



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

950 CIVIL APPLICATION NO. 7516 OF 2025
IN FA/285/2025

SHOBHA PRAKASH THOKAL

VERSUS

THE NEW INDIA ASSURANCE COMPANY LTD AND ORS

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Advocate for Applicant : Mr. Kasar Rajendra Sudam.

Advocate for Respondent No.1 : Mr. Anagha Rotte.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 01.08.2025

PER COURT :-

1. Heard both sides.
2. By this application, applicant is seeking withdrawal of the amount deposited by the respondent/insurance company. Respondent has deposited Rs.44,49,480/-. As per judgment under challenge, Rs.20,00,000/- is directed to be invested in the Nationalize Bank by way of fixed deposit.
3. Learned counsel for the respondent opposes the application on the ground that there is absolutely no evidence to indicate monthly income of the deceased was Rs.25,000/-. Considering the income of the companion of the deceased, notional income has been fixed which is vulnerable. It is

submitted that exorbitant compensation has been awarded by the Tribunal.

4. I have considered rival submissions of the parties. I am inclined to accept submissions of learned counsel appearing for the insurance company partly. The Tribunal has already directed to invest Rs.20,00,000/- in the Nationalized Bank. I propose to keep intact that part of the order while allowing the present application partly. Applicant is entitled to receive the amount by deducting Rs.20,00,000/- which is to be invested in the Nationalized Bank.

5. Civil application for withdrawal is allowed partly by permitting the applicant to receive balance amount after deducting Rs.20,00,000/- on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

In First Appeal

6. **Admit.**

7. Learned counsel Mr. Kasar waives service of notice for respondent No.1/Caveator.

8. Call for Record and Proceedings from the concerned Court.

9. Parties shall be at liberty to file relevant documents/
papers, if any.

(SHAILESH P. BRAHME, J.)

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vmk/-