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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**915 CIVIL APPLICATION NO. 9177 OF 2025
IN FA/61/2025**

SHARDA RAJESH SONAWANE AND ORS

VERSUS

THE BRANCH MANAGER AND ORS

WITH

**CIVIL APPLICATION NO. 10196 OF 2025
IN FA/61/2025**

BRANCH MANAGER CHOLAMANDALAM MS GEN INSU CO LTD

VERSUS

SHARDA RAJESH SONWANE

WITH

**CIVIL APPLICATION NO. 10197 OF 2025
IN FA/61/2025**

Mr. Ram S. Shinde, Advocate for the applicant-claimant.

Mr. A.S. Usmanpurkar, Advocate for the insurance company.

CORAM : KISHORE C. SANT, J.

DATE : 08.10.2025

PC :-

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

01. Heard learned Advocates for the parties. This application is filed for withdrawal of amount deposited in this Court by the appellant – insurance company. The learned Advocate Mr. Usmanpurkar vehemently opposes this application. He submits that there are substantial ground involved in the appeal. The deceased himself was negligent when the accident took place. The income of the deceased is taken on higher side. Last drawn salary of the applicant was Rs. 24,333/-, whereas the Tribunal has wrongly considered salary of Rs.37,248/-. He submits that

the learned Tribunal, however, considered salary to be Rs. 44,711/- and awarded compensation. He thus prays for rejection of the application.

02. Learned Advocate for the applicant points out from the judgment that the accident took place in 2017 when 7th Pay Commission was already made applicable. Only it was not reflected in the salary due to some time take to make actually applicable. It is fact that 7th Pay Commission was made applicable on the date of the accident and there is no dispute. Only argument is that last drawn salary certificate only could have been accepted by the learned Tribunal while determining the compensation and dependability and compulsory deduction like Income Tax etc.

03. Prima facie this Court does not find any illegality in taking the salary as Rs.44,711/-. The difference is hardly of Rs. 7000/- approx. Considering the same, this Court is inclined to allow this application. Hence, following order :-

- i) The applicants are permitted to withdraw 50% of the amount deposited in this Court with accrued interest on furnishing usual undertaking.
- ii) Further 25% of the amount with accrued interest is allowed to be withdrawn by giving solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.

- iii) Remaining amount shall be kept in fixed deposit of any nationalized bank to be renewed from time to time till disposal of the appeal.
- iv) The amount shall be disbursed in separate accounts of the claimants.
- v) The Civil Application is accordingly allowed and is disposed off.

CIVIL APPLICATION FOR RESTORATION

01. This application is filed for restoration of appeal that was dismissed. For the reasons stated in the application, the delay stands condoned. The appeal stands restored to its original position. The Civil Application is accordingly allowed and is disposed off.

CIVIL APPLICATION FOR PAPER PUBLICATION

01. This application is filed for service of notice on respondent No.5 by paper publication. Considering the averments in the application, the application stands allowed. Notice to be published in the widely circulated news paper, namely, "Business Standard" of Telangana, at least two weeks prior to the next date. The notice is made returnable on 17.12.2025.

[KISHORE C. SANT, J.]