



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 177 OF 2025
WITH
CIVIL APPLICATION (CAF) NO. 2079 OF 2024
IN
FIRST APPEAL NO. 788 OF 2024
(National Insurance Company Ltd. V/s Nandini Haridas Shirbhate & Ors.)

Office Notes, Office Memoranda of Coram,
Appearances, court's orders or directions and
Registrar's orders

Court's or Judge's orders

Mr. C. C. Anthony, Advocate for Appellant.
Mr. Vivek Awchat, Advocate for Respondent Nos.1 and
4 to 7.
Mr. A. G. Moharir, Advocate for Respondent No.2.

CORAM : SANDIPKUMAR C. MORE, J.
DATE : JANUARY 22, 2025.

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- . Heard rival submissions.
2. The Respondent Nos.1 and 4 to 7 have filed this Application for withdrawal of entire amount of compensation, which is deposited by the Appellant/Insurance Company.
3. The learned Counsel for Appellant/Insurance Company strongly opposed the Application on the ground that the learned Tribunal has granted excessive amount of compensation by wrongly holding the income of deceased to the tune of Rs.3,20,900/- per annum through agricultural business. He submitted that at the most the learned Tribunal should have assessed the income in respect of the said business in supervisory category to the tune of Rs.10,000/- per month, and in that case,

the compensation amount would have been half of the compensation granted in the instant case. Considering this aspect, the Respondents/Claimants may be permitted to withdraw 50% of the amount of compensation falling to their respective shares.

4. As such, the Respondent Nos.1 and 4 to 7 are permitted to withdraw 50% of the deposited compensation amount in equal proportion along with the proportionate interest accrued thereon till date.

5. The remaining amount be kept in FDR in any Nationalized Bank on yearly renewal basis during the pendency of this Appeal.

6. Civil Application stands disposed of accordingly.

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. Since the Appellant/Insurance Company has deposited the entire amount of compensation along with the interest accrued thereon, the present Application for stay to the impugned Judgment and Award is made absolute in terms of its prayer and disposed of accordingly.

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. Heard. **Admit.** Call R & P.

2. Mr. Awchat, learned Counsel for Respondent Nos.1 and 4 to 7 and Mr. Moharir, learned Counsel for Respondent No.2 waives service of notice.

(SANDIPKUMAR C. MORE, J.)