

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

50 CIVIL APPLICATION NO. 2046 OF 2016
IN FA/139/2002

BABU KERU SALVE AND ORS
VERSUS
HARBACHAN KAUR BALDEV SINGH SODHI AND OTHERS

...
Advocate for Applicants : Shinde Chandrakant K.
Advocate for Respondent No. 3 : S.L. Kulkarni
...

CORAM : T.V. NALAWADE, J.
DATED : 22nd February, 2016.

ORDER :

1. The application is filed for amending the main proceeding and also the appeal proceeding. It appears that during pendency of appeal, Bhimabai died. But due to oversight, the legal heirs of Bhimabai were not brought on the record and amendment was not made in the matter. Due to this, the remaining claimants may face difficulty in withdrawing the amount, which is allowed to Bhimabai. In view of these circumstances, after hearing the other side, the application is allowed. It is to be mentioned on the record that legal heirs of Bhimabai like her husband is on record. The amount which was awarded to deceased Bhimabai is to be given to her husband Babu. On the request of the learned counsel for original claimants, the order of apportionment of the amount is made and it is as follows :-

ORDER

Out of the total amount of compensation awarded to the original claimants, 75% amount will go to the widow and issues of the deceased. Out of that amount, 80% amount will go to the widow and remaining amount will go to issues of deceased. Out of the total amount of compensation, only 25% amount is to be given to the parents of the deceased. In view of the order already made, this amount is to be given to the father of the deceased.

[T.V. NALAWADE, J.]

ssc/