

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

**19 CIVIL APPLICATION NO. 3525 OF 2016
IN
FIRST APPEAL NO.3430 OF 2011**

Vidya Wd/o Vijay Pawar
and others

.. Applicants.

Versus

United India Insurance Co. Ltd.,
and others.

.. Respondents.

...

Mr. Sachin S. Panale, Advocate for Applicants
Mr. Mohit Deshmukh, Adv. h/f. Mr. S.G. Chapalgaonkar, Advovate
for Respondent No.1

...
CORAM : P.R. BORA, J.

Dated : March 29, 2016

...
PER COURT :-

1) By filing this application, the applicants are seeking modification in the order passed by this Court on 18th December, 2015, whereby the applicants were allowed to withdraw the amount of Rs.2,00,000/- on furnishing personal undertaking of applicant no.1, that in the event of upsetting the award, they shall refund the amount within a period of one month.

2) The learned Counsel appearing for the applicants submits that, after passing of the aforesaid order, applicant no.6 i.e. father of the deceased has expired and as such, neither any cheque can be issued in the name of applicant no.6, nor any cheque issued in his name can now be encashed. Learned Counsel therefor prays that, Registry may be directed to issue a fresh cheque in the name of applicants who are alive excluding the name of applicant no.6 who is no more. Learned Counsel for

the applicants further submits that, it may not be possible for applicant no.5 Viz. Muktabai wd/o Diwan Pawar because of her old age to remain present in the Registry for verification. Learned Counsel therefore prays that, the presence of applicant no.5 be exempted in the High Court Registry at the time of issuance of the cheque.

3) In view of the submissions as above made by the learned Counsel for the applicants, the Registry is directed;

- (i) to issue a fresh cheque for the amount of Rs.2,00,000/- in the name of five applicants who are alive, excluding the name of applicant no.6.
- (ii) not to insist upon the personal presence of applicant no.5 Viz. Muktabai wd/o Diwan Pawar at the time of issuance of the cheque.

4) Civil Application stands disposed of in above terms.

(P.R. BORA, J.)

...

SPR/