

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4874 OF 2011

The Oriental Insurance Company Limited ... Applicant
vs.
Anita Ramesh Zujam and Others ... Respondents

**WITH
CIVIL APPLICATION NO.746 OF 2013
IN
FIRST APPEAL (ST.) NO.2766 OF 2011**

Anita Ramesh Zujam and Another ... Applicants
vs.
The Oriental Insurance Company Limited ... Respondents

Mr. D.S. Joshi, for the Insurance Company
Mr. Tejas Kapre i/b. Mr. J.S. Kapre, for Respondent Nos. 1
and 2 in C.A.No. 4874 of 2011 and for Applicant in C.A. No.
746 of 2013.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **2nd MARCH, 2016**

P.C.:

C.A. No.746 OF 2013

. This application is for withdrawal of the amount of compensation which is deposited by the Insurance Company in the Court. The learned counsel for the Applicants submit that by the judgment and order dated 11th November, 2010 passed by the learned

Additional Member, M.A.C.T., Pune in M.A.C.P. No. 581 of 2007 the Tribunal awarded compensation of Rs. 9,19,400/- with interest @ 7% p.a. from the date of filing of the Petition. The learned counsel for the Applicants submit that the case of the applicants/original claimants is that the widow of the deceased be allowed to withdraw 50% of the compensation amount along with the interest accrued thereon. He further submits that Respondent No. 3 Pandurang Babuki Zujam is expired. He submits that Respondent Nos. 1 and 2 are the legal heirs of Respondent No. 3, so no other legal heirs are to be brought on record.

2. The learned counsel for the Insurance Company opposes the application and submits that the Insurance Company has good case on merits.

3. In view of the aforesaid submissions, the civil application No. 746 of 2013 is hereby allowed.

4. The applicant/claimant No. 1 Anita Zujam is allowed to withdraw Rs. 3 lacs and No. 2 Mangesh Zujam is allowed to withdraw

Rs. 2 lacs which includes 50% share of both the applicants in the amount of Rs. 1 lac which is awarded and apportioned to the share of the deceased Pandurang Babuji Zujam, on usual undertaking.

5. Accordingly civil application No. 746 of 2013 stands disposed of.

6. The learned counsel for the Appellant/Insurance Company submits that he has obtained service on Respondent Nos. 4 and 5 by publication in Marathi newspaper “*Navshakti*” and in English newspaper “*Free Press Journal*”. He submits that however by mistake the notice was published in Marathi newspaper “*Kesari*” instead of “*Navshakti*”.

7. The names of Respondent Nos. 4 and 5 are perused. They are Appa Narayan Bhosale and Mayuresh Ramesh Wagh. It shows that both the Respondents are Maharashtrian and it is presumed that they know Marathi language. Therefore publication of notice in newspaper “*Kesari*” is accepted and publication in the newspaper “*Navshakti*” is dispensed with. However, the notice is to be published in English

newspaper "*Free Press Journal*". The copy of both newspapers is to be filed in the Registry.

8. Stand over to 13th April, 2016.

(MRS.MRIDULA BHATKAR, J.)