

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

16 CIVIL APPLICATION NO. 5756 OF 2017 IN FA NO.4319 OF 2016

NILAWATI SHIVSHANKAR SHINDE AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD.

...
Advocate for Appellants : Mr. D. J. Patil.
Advocate for Respondent No.1 : Mr. Dhananjay P. Deshpande.
...

CORAM : K.K. SONAWANE, J.

DATE : 4th September, 2017.

PER COURT:

1] Heard learned counsel for the applicant and learned counsel for respondent Insurance company. None appears for respondent Nos. 2 and 3, owner and driver of the offending vehicle. The present application is filed on behalf of the original claimant for issuing directions to the Insurance Company for depositing the amount. Thereafter, the claimant in anticipation of the deposit of amount by Insurance company, made prayer clause (C) for seeking permission to withdraw the amount, deposited in this Court.

2] After perusal of the order passed by the learned Tribunal, it appears that the Tribunal has passed the order directing some portion of the compensation amount in the Fixed Deposit Receipt Account of the claimant No.1 widow Nilawati Shinde and her minor sons - claimant Nos. 2 to 4. It has also been directed to make payment of some part of compensation amount to the parents of the deceased i.e. applicant Nos. 5 and 6. After perusal of

the application, it appears that there are no details given in the application on behalf of the claimants about the disbursement of the amount to each of the claimants in this case. The Insurance Company has deposited in all Rs. 19,60,757/- in this case, including the amount of interest.

3] In such circumstances, it would be difficult to calculate the shares of the widow, her minor sons as well as parents of the deceased, as per the order passed by the learned Tribunal. Hence, the applicant to file separate application by giving details about the apportionment of shares to be disbursed in favour of the applicants. Hence, the application stands disposed of. No costs.

[K.K. SONAWANE]
JUDGE.

grt/-