

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

955 CIVIL APPLICATION NO. 4175 OF 2018
IN FA/375/2000 WITH CA/5372/2016 IN FA/375/2000

DEEPALI BABASAHEB NIMASE AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO.LTD AURANGABAD AND ANR

...
Advocate for Applicants : Mr. Latange V.P.
Mr. M. M. Ambhore, Adv. For R/1
...

CORAM : P.R. BORA, J.
DATED : 4th OCTOBER, 2018.

PER COURT:-

1. Present application is filed by the applicants for withdrawal of the amount deposited by the insurance company in the first appeal. The aforesaid first appeal has been dismissed by this Court, vide judgment and order passed on 29th February, 2016.

2. After dismissal of the appeal, the application seeking withdrawal of the amount was filed by the original claimants. There are two claimants, one is widow and another is the mother of the deceased in the accident.

3. The learned counsel for the applicants submitted that when the claim petition was filed by

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applicant No.1 - Smt. Deepali along with her mother-in-law and brother-in-law, and at that time, she had filed the claim petition in the capacity of widow of deceased Babasaheb Nimase. The learned counsel further submitted that in the meanwhile, Deepali got married with one Sachin Vasantrao Jawale and as such, she is presently known by name Sow. Deepali Sachin Jawale. The learned counsel by filing the present application has prayed for withdrawal in her present name i.e. Sow. Deepali Sachin Jawale.

4. Today, the learned counsel has tendered across the Bar an affidavit of mother of deceased Babasaheb Nimase, who was one of the claimants in the claim petition, to the effect that she has no objection for permitting Sow. Deepali Sachin Jawale to withdraw the amount of her share, as has been awarded by the Tribunal. Advocate Shri Latange is appearing for both the claimants, i.e. Widow as well as mother of the deceased. In the affidavit it is also testified that Sow. Deepali has remarried with Sachin Vasantrao Jawale. In view of the above, following order is passed, -

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ORDER

i. The applicant is permitted to withdraw the amount of compensation falling to her share deposited by the insurance company in First Appeal No. 375/2000;

ii. Registry is directed to issue a cheque of the amount of compensation payable to the applicant in her changed name i.e. Sow. Deepali Sachin Jawale.

Iii. The CA stands disposed of.

(P.R. BORA)
JUDGE

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