

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

80 CIVIL APPLICATION NO.434 OF 2019
IN FAST/34364/2017 WITH CA/435/2019 IN FAST/34364/2017

DWARKABAI APPASAHEB MISAL AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED
SIGNATORY S.S. MAKHARE, AURANGABAD

...
Advocate for Applicants : Mr. R.V. Gore
Advocate for Respondent No.1 : Mr. M. M. Ambhore
Advocate for respondent No.5: Mr. S. V. Kulkarni
Advocate for respondent Nos.7 to 10: Mr. P.B. Khedkar
...

CORAM : P.R. BORA, J.

Date: January 21, 2019
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PER COURT :-

1 Heard learned counsel appearing for the applicants in these applications. Motor Accident Claims Tribunal has apportioned the amount of compensation as follows:

“ 4. Claimant No.1 Dwarkabai Appasaheb Misal shall get compensation of Rs.1,72,500/- (Rupees One Lakh Seventy Two Thousand & Five Hundred).

5. Claimant No.2 Bhakti Appasaheb Misal is minor. An amount of Rs.1,00,000/- (Rupees One lakh) be invested in her name in any nationalized bank till she attains majority.

6. Claimant No.(3) Kaushalyabai w/o Suryabhan Misal and (4) Suryabhan Khanduji Misal shall get Rs.1,00,000/- (Rupees One lakh) each.

7. Respondent No.6 Sangita Appasaheb Misal shall get compensation of Rs.1,72,500/-(Rupees One Lakh Seventy Two Thousand & Five Hundred).

8. Respondent No.(7) Rushikesh Appasaheb Misal, (8) Abhishek Appasaheb Misal and (9) Rameshwari Appasaheb Misal are minors. An amount of Rs.1,00,000/- (Rupees One Lakh) each be invested in their names in any nationalized bank till they attain majority. “

2 After having considered the submissions of learned counsel appearing for the parties, I deem it appropriate to allow the applicants to withdraw 75% of the amount falling to their share as has been done in the order of apportionment, on submitting undertaking to the satisfaction of the Registrar of this Court.

3 Since during pendency of the present appeal applicant Suryabhan Misal - original claimant No.4 has expired, 75% amount of his share be remitted in favour of original claimant No.3 Kaushalyabai.

4 Civil Applications stand disposed of.

(P.R. BORA, J.)