

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 3754 OF 2019

IN

FIRST APPEAL NO. 1174 OF 2019

The Oriental Insurance Co. Ltd.

..VS..

Satyafula wd/o Ramaji Kambale (Died) 2. Karuna d/o Ramaji Kambale and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

None for appellants.

Ms. M.M. Pathade, Adv. for respondent nos. 2 to 4.

Shri A.K. Bangadkar, Adv. for respondent no.5.
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CORAM : VINAY JOSHI, J.

DATED : 18th NOVEMBER, 2019

Heard.

2. This is an application of original claimants for withdrawal of compensation amount after dismissal of First Appeal on 18.06.2019. Since the appeal is disposed and there is no record to indicate that the order of dismissal is challenged before the Higher Court, there is no difficulty in returning the amount to the original claimants.

3. Initially, the claim petition was filed by the widow, daughter and two sons of deceased-Ramaji Kambale. However, the learned Tribunal has awarded the compensation to the tune of Rs.5,53,000/- alongwith interest and directed that it be paid equally only to widow and daughter i.e. sons were excluded. No claim is sought by sons of deceased in this appeal by way of counter claim. During pendency of appeal, the Insurance Company has deposited the total compensation of Rs. 6,76,535 which is inclusive of interest. During pendency of appeal, the

original petitioner no. 1-Satyafula died. Therefore, naturally the amount of her share has to be distributed amongst her legal-heirs i.e. original petitioner nos. 2, 3 and 4.

4. In view of that, 50 percent amount of the awarded compensation alongwith accrued interest be disbursed equally and separately in between the original petitioner nos. 2, 3 and 4 i.e. present respondent nos. 2 to 4. Remaining 50 percent amount alongwith accrued interest be disbursed to original petitioner no. 2-Karuna Kambale i.e. respondent no. 2 in this appeal.

5. The Civil Application stands disposed accordingly.

JUDGE

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