

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

**CIVIL APPLICATION NO.2894 OF 2021
IN
FIRST APPEAL NO.750 OF 2002**

1. Baby w/o. Anil Jadhav,
2. Vivek s/o. Anil Jadhav,
3. Vipin s/o. Anil Jadhav,
4. Kausalyabai w/o. Devidas Jadhav ..Applicants

Vs.

Tukaram s/o. Kanhiram Chavan
and others ..Respondents

Mr.V.R.Dhorde, Advocate for applicants
Mr.M.R.Deshmukh, Advocate for respondent no.3

**CORAM : R.G. AVACHAT, J.
DATE : MARCH 08, 2021**

ORDER :-

Heard.

2. The applicants are legal representatives of deceased – Anil Jadhav, who died in a motor accident on 29.05.1998. The applicants had moved a petition for compensation. The Motor Accident Claims Tribunal allowed the same and granted compensation of Rs.3,50,000/- with interest at the rate of 9% per annum.

3. The respondent – Insurance Company preferred appeal against the said award. This Court, vide order dated 04.03.2003, allowed the applicants to withdraw 50% of the amount deposited in this Court.

4. Present application has been moved on the ground of extreme urgency. Applicant no.2 – Vivek Anil Jadhav has been diagnosed with Chronic Kidney Disease (CKD). He has been advised kidney transplantation. His mother, applicant no.1, has agreed to donate her kidney. The case was referred to GHATI Hospital, Aurangabad, for approval of kidney transplantation. The hospital has granted its approval. Kidney transplantation is stated to be scheduled on 10.03.2021. The applicants are in need of money.

5. The respondent – Insurance Company has opposed the application.

6. The applicants are in sheer need of money for emergent medical treatment in the nature of kidney

transplantation. I am, therefore, inclined to grant the application. Hence, the following order:-

(i) The remaining amount in deposit with this Court be paid to applicant no.3 – Vipin Anil Jadhav, on his furnishing undertaking to the satisfaction of learned Registrar (Judicial) of this Court.

(ii) The application stands disposed of accordingly.

[R.G. AVACHAT, J.]

KBP