

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CIVIL APPLICATION NO.4000 OF 2021
IN FA/2780/2013

MACHHINDRA SOPAN DETHE SINCE DECEASED, THROUGH HIS LRS.

RUPALI AND OTHERS

VERSUS

THE NEW INDIA ASSURANCE CO. LTD. THROUGH ITS DIVISIONAL
MANAGER, AURANGABAD AND OTHERS

...

Mr. C.K. Shinde, Advocate for applicants

Mr. A.B. Gatne, Advocate for the respondent No.1

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 23rd JUNE, 2021.

PER COURT :

1 It appears from the report filed by learned Registrar (Judicial) that there is no record with this Court as on today regarding filing of any Special Leave Petition or appeal challenging the Judgment and order passed by this Court in First Appeal No.2780 of 2013 on 28.01.2021. Now, the appeal period is over, and therefore, there is no hurdle in disbursing the amount that has been deposited in this Court. If we get the notings, amount of Rs.25,000/- was the statutory deposit, that was paid initially. Thereafter,

after the order was passed by this Court, amount of Rs.4,95,080/- was deposited. Out of that amount, an amount of Rs.2,60,040/- appears to have been withdrawn on 03.04.2014. So, the amount, that is, remaining with this Court is Rs.2,35,040/- together with interest, as the said amount has been invested in Fixed Deposit.

2 Learned Advocate Mr. C.K. Shinde appearing for the applicants points out that the original claimant Nos.2 to 4 have now attained the majority and further, out of them original claimant No.2 got married during the First Appeal. In fact, all these things ought to have been brought on record before the appeal was finally decided, but it appears that no efforts were taken by the respondents to convey the said fact to this Court.

3 Now, under such circumstance, since applicant No.2 attained the majority and got married and applicant Nos.3 and 4 have also attained the majority, the amount, that is, available with this Court is now directed to be disbursed to them, equally, and it is not necessary to have a joint account in their name, but it should be given to them in their individual name.

4 With these directions the Civil Application stands disposed of.

(Smt. Vibha Kankanwadi, J.)