

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

**CIVIL APPLICATION NO. 11618 OF 2021
IN/AND
FIRST APPEAL NO. 2079 OF 2018**

Varsha Sanjay Mule and Others

..APPLICANTS

VERSUS

New India Assurance Co. Ltd.
Through it's Branch Manager, Jalna
and Another

..RESPONDENTS

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Mr. B.M. Dhanure, Advocate h/f Mr. B.R. Kedar, Advocate for applicants
Mr. S.S. Dargad, Advocate h/f Mr. S.G. Chapalgaonkar, Advocate for
respondent no.1

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**CORAM : R.G. AVACHAT, J.
DATED : 22nd OCTOBER, 2021**

PER COURT :

1. Appearance of Mr. P.C. Mayure, learned counsel for Respondent
Nos. 1 to 6 – claimants in appeal is discharged since he has been replaced by
Mr. B.R. Kedar, learned counsel.

2. Heard.

3. It was a death claim. Long back in March 2019 the applicants
were permitted to withdraw 30% of the amount under the impugned award
on furnishing solvent security. Accordingly the security was furnished. It is

informed that the person, who stood security, is insisting for his discharge. The applicants are said to have been unable to furnish another surety/security.

4. True, the appellant – insurance company has very good case in appeal, the fact that it was a death claim and the applicants before this Court are widow and minor children under the age group of fifteen, cannot be sighted of. In the factual backdrop, the application is allowed in terms of prayer clause (B).

5. List the appeal for final hearing on 24th November, 2021.

(R.G. AVACHAT, J.)

SSD