

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

**CIVIL APPLICATION NO.13132 OF 2021
IN
FA/1913/2018**

**MANISHA RAJU @ RAJENDRA KADAM AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THROUGH ITS
AUTHORIZED SIGNATORY, AURANGABAD AND OTHERS**

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Mr. R.L. Kute, Advocate for the Applicants
Mr. A.B. Kadethankar, Advocate for Respondent No.1
Mr. Shaikh Mazhar A. Jahagirdar Advocate for Respondent Nos.2
to 6 (absent)

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 08th DECEMBER, 2021

PER COURT:-

1. Heard Mr. R.L. Kute, learned counsel for the applicant and Mr. A.B. Kadethankar, learned counsel for respondent No.1. Mr. Jahagirdar, learned counsel for respondent nos. 2 to 6 is absent when matter is called out.

2. Perused the order passed by this Court in first appeal no.1913/2018 dated 26.03.2019. It is revealed during the course of argument that respondent No.8 Prajakta daughter of Manisha Raju @ Rajendra Kadam was minor while deciding the first appeal

and that's why the compensation awarded to her was directed to kept in the fixed deposit in any nationalized bank till she attains the majority.

3. Mr. Kute, learned counsel for the applicant invited my attention to the birth certificate of respondent no.8 produced vide exhibit 'A-2' (page 32). He submits that respondent No.8 Prajakta daughter of Manisha Raju @ Rajendra Kadam has become major in the month of March, 2021. She is entitled to get the compensation by looking to her age of majority.

4. Mr. Kadethankar, learned counsel for the Insurance Company fairly accepted this position.

5. Having regard to the submissions of learned counsel for both the sides, this application needs to be allowed.

ORDER

- (i) The application is hereby allowed.
- (ii) Respondent no.8 Manisha Raju @ Rajendra Kadam is allowed to withdraw her share of compensation, which is invested in the fixed deposit with Union Bank of India.

- (iii) Registry / Superintendent of the concerned Tribunal to issue necessary letter to the concerned branch of Union Bank of India permitting to Respondent no.8 Manisha Raju @ Rajendra Kadam to withdraw her share of compensation since she has now become major.
- (iv) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane