

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

**CIVIL APPLICATION NO. 8201 OF 2022 IN
FIRST APPEAL ST. NO. 41434 OF 2017**

Draupatabai w/o Eknath Dongare

Applicant

Versus

The Oriental Insurance Co. Ltd. & others

Respondents

Mr. G. J. Pahilwan, advocate for the Applicant

Mr. A. S. Deshpande with Mr. A. A. Puranik, advocates for
Respondent No.1.

CORAM : SANDIPKUMAR C. MORE J.

DATE : 26th September, 2022.

PC :

Leave to correct name of the applicant.

Heard learned Counsel for respective parties.

The applicant is seeking withdrawal of entire amount which has been deposited by present Respondent No.1-Insurance Company, who has filed the main appeal.

The learned Counsel for Respondent No.1-Insurance Company has strongly opposed the application on the ground that though the Insurance Company has deposited the entire amount under the award along with interest, but the learned Tribunal had apportioned the said amount equally between the present applicant and Respondent No.4 herein. It appears from the record

that the present applicant and Respondent No.4 are wife and husband who lost their son in the accident.

The learned Counsel for the applicant submits that the Respondent No.4 is missing since last two years and, therefore, there is no point in keeping the amount of compensation of his share with this Court. The learned Counsel for Respondent No.1- Insurance Company raised objection to the same.

In view of the same, only 50% amount of the impugned award along with the interest accrued thereon can be paid to the present applicant, at this juncture. The applicant is, therefore, permitted to withdraw 50% amount of the impugned award along with the interest accrued thereon till date on furnishing usual undertaking to the satisfaction of Registrar (J) of this Court.

Civil Application stands disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO. 1458 OF 2018 IN
FIRST APPEAL ST. NO. 41434 OF 2017**

The Oriental Insurance Co. Ltd.

Applicant

Versus

Eknath Balaji Dongre & others

Respondents

Mr. A. S. Deshpande, advocate with Mr. A. A. Puranik, advocate
for the Applicant

Mr. G. J. Pahilwan, advocate for Respondent No.3.

CORAM : SANDIPKUMAR C. MORE J.

DATE : 26th September, 2022.

PC :

At the request of learned Counsel for the applicant-
Insurance Company, re-issue notice to Respondents No.1 and 4,
returnable on 21.11.2022.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb

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

**CIVIL APPLICATION NO. 1459 OF 2018 IN
FIRST APPEAL ST. NO. 41434 OF 2017**

The Oriental Insurance Co. Ltd.

Applicant

Versus

Eknath Balaji Dongre & others

Respondents

Mr. A. S. Deshpande, advocate with Mr. A. A. Puranik, advocate
for the Applicant

Mr. G. J. Pahilwan, advocate for Respondent No.3.

CORAM : SANDIPKUMAR C. MORE J.

DATE : 26th September, 2022.

PC :

Since the applicant-appellant Insurance Company has deposited the entire amount of the impugned award along with interest in this Court, as per the order dated 21st February, 2018, the stay application is made absolute in terms of prayer clause “B” and is accordingly disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb