

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

**31 CIVIL APPLICATION NO.9239 OF 2022
IN FA/926/2007**

**GAJRA BEE SHAIKH KADIR AND OTHERS
VERSUS
M/S. PRAKASH GENERAL GENCIES AND OTHERS**

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Advocate for Applicants : Mr. V. D. Patnurkar
Advocate for Respondent No.3 : Mr. S. V. Kulkarni

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 25/07/2022.**

P. C. :

1. The applicants, who are the original claimants in MACP NO.11 of 1997, have contended that while filing the first appeal before this court, which is admittedly disposed of, the present applicant No.3 inadvertently could not be made appellant though she was the original claimant No.3 in the aforesaid matter to the extent of claim petition. Now the first appeal has been disposed of by this court vide order dated 08/12/2021 and claim amount awarded by the learned Tribunal, has been enhanced from Rs.2,02,000/- to Rs.5,62,000/-.

2. Now respondent No.3 - Insurance Company has also deposited the enhanced amount of Rs.3,75,898/- in this court in First Appeal No.926 of 2007. It appears that applicant No.3 despite absence of her name in the first appeal as an appellant, is entitled for her share in the said enhanced amount of compensation being one of the legal heirs of deceased Shaikh Kadir, who died in the accident.

3. Further, out of the present applicants, applicant Nos. 8 & 9 have also died. The copies of their death certificates are also placed on record. Under such circumstances, it appears that their legal heirs are already there on record in form of respondent Nos.1 to 7.

4. Though the applicants have claimed that the name of applicant No.3 be brought on record, but the appeal is now disposed of. However, being the entitled person for getting share in the enhanced amount, certain directions can be given to the office / Nazir Department of this court to consider applicant No.3 as one of the beneficiaries. The applicant Nos.8 & 9 have already died and therefore, the enhancement amount which is lying in this court, can be conveniently disbursed amongst applicant Nos.1 to 7. Hence, I pass following order.

ORDER

- a) The office / Nazir Department of this Court is directed to pay half of the enhanced compensation amount alongwith accrued interest thereon to the applicant No.1 and the remaining amount alongwith accrued interest thereon be distributed amongst the applicant Nos.2 to 7 in equal proportion.
- b) Civil application stands disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE