

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

937 CIVIL APPLICATION NO.12167 OF 2022
IN FA/1614/2020

ANUSAYABAI PANDURANG JADHAV AND ORS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THR ITS MANAGER,
PUNE AND ANR

...
Advocate for Applicants : Mr. Ashutosh Kulkarni h/f
Mr. Panchal Shrinivas H.
Advocate for respondent No.1 : Mr. S. G. Chapalgaonkar
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CORAM : S. G. DIGE, J.
DATE : 24.08.2022

PER COURT :-

Heard learned counsel for the applicants and learned counsel for respondent.

2. Learned counsel for the applicants submits that applicant No.1 is widow of deceased Pandurang Digambar Jadhav, applicant Nos. 2 to 4 are the children of applicant No.1 and deceased Pandurang Jadhav, applicant No.5 and 6 are the parents of deceased Pandurang. The accident occurred in the year 2009. Till date applicants have not received any compensation on account of death of deceased. Deceased was Karta of the applicant's family, he was the only earning member. Applicants are in need of the amount for education of the applicant Nos.2 to 4 and medical treatment of applicant Nos. 5 and 6. Applicants are

facing hardship for day-to-day activities due to paucity of funds. Hence requested to allow the application.

3. It is contention of the learned counsel for respondent No.1 that the respondent No.1 has challenged the judgment and award of Tribunal on various grounds. One of the ground is, false involvement of the vehicle and exorbitant compensation awarded. Hence requested to dismiss the application.

4. I have heard both the learned counsel. The deceased was Karta of family of the applicants. Applicants are facing hardship in day-to-day activities due to paucity of funds. They need the amount for education of applicant Nos. 2 to 4 and medical treatment of applicant Nos. 5 and 6. The issue raised by respondent No.1 can be considered at the time of final hearing. Hence I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicants are permitted to withdraw 25% amount along with accrued interest thereon out of deposited amount on furnishing undertaking.
- (iii) List the First Appeal on 17th October, 2022.
- (iv) Appellant to take steps against respondent No.7

**(S.G. DIGE,)
JUDGE**