

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

CIVIL APPLICATION NO. 324 OF 2022 IN FA/682/2020

ASHA SURESH THAKUR AND OTHERS
VERSUS
BHARTI AXA GENERAL INSURANCE CO. LTD. THROUGH ITS
MANAGER, NAGPUR AND OTHERS

....
Mr. Harshal P. Randhir, Advocate for the Applicants
Mr. Swapnil S. Patil, Advocate for respondent no.1
....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 14th JANUARY, 2022

PER COURT:-

1. It is an application moved by the applicants seeking permission to bring on record the legal heirs of deceased applicant no. 5 as mentioned in para no.5 of this application with a further prayer to allow them to withdraw the amount deposited by the appellant / insurance company with accrued interest thereon in view of amicable settlement arrived at between the parties in first appeal no. 682 of 2020.

2. Heard Mr. H.P. Randhir, learned counsel for the applicant seeks leave to place on record the copy of order passed in first appeal (stamp) no. 21904 of 2019 (now first appeal no.682 of 2020) and the copy of order in civil application no. 2745 of 2020 in first appeal no. 682 of 2020.

3. Leave granted. The copies of orders are taken on record and marked as 'X' and 'Y' respectively for identification.

4. Mr. Swapnil Patil, learned counsel for respondent no.1 fairly concedes the position that first appeal no. 682 of 2020 has been amicably settled between the parties before the Lok Adalat. Accordingly, there is no difficulty to allow this application.

5. Having regard to the submissions of the learned counsel for both the sides, it is necessary to allow this application.

ORDER

(i) The application is hereby allowed in terms of prayer clauses (B) to (D)

(ii) After bringing on record the legal heirs of deceased applicant no.5 as shown in para no.5 of this application, they are permitted to withdraw the amount deposited by the appellant / insurance company in respect of deceased Shakuntala Pralhad Thakur.

(iv) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane