

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

**CIVIL APPLICATION NO. 64 OF 2023 IN
FIRST APPEAL NO. 973 OF 2022**

Sekalabai Ugranya Valvi-Vasave
and others

Applicants

Versus

The New India Assurance Company
Ltd.

Respondent

Mr. P. C. Mayure, advocate for the Applicants
Mr. M. R. Deshmukh, advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 04th January, 2023.

PC :

Heard rival submissions.

The applicants are seeking permission to bring legal representatives of original respondent no.6-claimant Shivlibai Handya Valvi on record by condoning delay of 178 days. Admittedly, Shivlibai died on 09.04.2022.

However, considering the right to defend, Civil Application stands allowed in terms of prayer clauses “B” and “C”. The appellant-Insurance Company to carry out the

amendment forthwith.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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Mr. P. C. Mayure, advocate for the Applicants
Mr. M. R. Deshmukh, advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 04th January, 2023.

PC :

Heard rival submissions.

The applicants are seeking permission to withdraw entire amount of compensation which the appellant-Insurance Company has deposited in this Court.

The learned Counsel for the appellant-Insurance Company has strongly opposed the application on the ground that the learned Tribunal has granted exorbitant amount of compensation and also ignored contributory negligence of the

deceased.

Be that as it may. Out of the applicants, applicants no.4 and 5 are still minors and they are granted with compensation of Rs.9,00,000/- (Rs. Nine lakhs) each by the learned Tribunal. Under such circumstances, only applicants no.1 to 3 and the legal representatives of applicant no.6 can be permitted to withdraw the compensation amount to certain extent along with proportionate interest.

In view of the same, applicant no.1 is permitted to withdraw an amount of Rs.9,57,000/- (Rs. Nine lakhs Fifty seven thousand) along with proportionate interest accrued thereon till date.

The applicants no.2 and 3 are permitted to withdraw an amount of Rs.4,50,000/- (Rs. Four Lakhs Fifty thousand) each along with proportionate interest accrued thereon till date.

The legal representatives of applicant no.6 are permitted to withdraw an amount of Rs.2,00,000/- (Rs. Two lakhs) each along with the proportionate interest accrued thereon till date.

The applicants shall furnish usual undertaking to the satisfaction of Registrar (J) of this Court while withdrawing their respective amounts.

The remaining amount be kept in FDR in any Nationalised Bank on yearly renewal basis till final disposal of this appeal. Applicants no.4 and 5, on attaining majority, will be at liberty to seek withdrawal of 50% of the amount falling to their share.

Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO. 6655 OF 2022 IN
FIRST APPEAL NO. 973 OF 2022**

The New India Assurance Company
Ltd.

Applicant

Versus

Sekalabai Ugranya Valvi-Vasave
and others

Respondents

Mr. M. R. Deshmukh, advocate for the Applicant
Mr. P. C. Mayure, advocate for Respondents No.1 to 6.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 04th January, 2023.

PC :

Since the applicant-Insurance Company has deposited entire amount of compensation along with interest, Civil Application is made absolute in terms of prayer clause "B".

Civil Application is disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb

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

FIRST APPEAL NO. 973 OF 2022

The New India Assurance Company
Ltd.

Appellant

Versus

Sekalabai Ugranya Valvi-Vasave
and others

Respondents

Mr. M. R. Deshmukh, advocate for the Appellant
Mr. P. C. Mayure, advocate for Respondents No.1 to 6.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 04th January, 2023.

PC :

The learned Counsel for the claimants-
respondents waive service for respondents no.1 to 6.
Respondent No. 7 is already served.

Call Record and Proceedings.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb