

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

FIRST APPEAL NO. 605 OF 2020

HDFC General Insurance Co.Ltd.

Appellant

Versus

Prarthana w/o Ashokrao Deshmukh
and others

Respondents

Mr. M. R. Deshmukh, advocate for the Appellant
Mr. S. P. Salgar, advocate for Respondents.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 01st February, 2023.

PC :

The learned Counsel for the respondents-claimants has filed pursis dated 10.12.2021 along with death certificate of respondent no.4 – Vimlbai Devidasrao Deshmukh i.e. mother of the deceased. The learned Counsel for the claimants further submits that there is no way to bring legal heirs of deceased Vimalbai on record since they were not dependent on the deceased.

Considering the age of deceased of around 45 years, there is no need to bring legal heirs of deceased

Vimlabai on record. As such, the appellant is directed to delete name of respondent no.4. Such amendment be carried out forthwith.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO.394 OF 2023 IN
FIRST APPEAL NO. 605 OF 2020**

Prarthana w/o Ashokrao Deshmukh
and others

Applicants

Versus

HDFC ERGO General Insurance Co.Ltd.
and another

Respondents

Mr. S. P. Salgar, advocate for the Applicants
Mr. M. R. Deshmukh, advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 01st February, 2023.

PC :

Leave to correct Index and List of documents.

Heard rival submissions.

The applicants no.2 and 3 are seeking withdrawal of entire balance amount of compensation which has been deposited by the appellant-Insurance Company as per order dated 20.09.2019.

The learned Counsel for the Insurance Company opposed the application on the ground that this Court had already granted withdrawal of Rs. 20,00,000/- to the

applicants and Vimlabai i.e. mother of deceased, who is now no more.

However, on perusal of the withdrawal order dated 10.01.2020, it is clear that this Court had granted liberty to applicants no.2 and 3 to seek further withdrawal for the purpose of prosecuting the education. The documents on record indicate that applicant no.2 needs education fee of Rs.7,50,000/- for her MD Course of 3 years and there is marriage ceremony of applicant no.3 – Priti, which is scheduled to be taken place on 14th February, 2023.

Considering these aspects, applicants no.2 and 3 are permitted to withdraw further amount of Rs.10,00,000/- each (without any interest) on furnishing usual undertaking to the satisfaction of Registrar (J) of this Court. The remaining amount be invested in FDR in any Nationalised Bank on yearly renewal basis till final disposal of this appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE