

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 582 OF 2022
WITH CA/17288/2022 IN FA 582/2022

RELIANCE GENERAL INSURANCE COMPANY LTD THR ITS
AUTHORIZED OFFICIAL AURANGABAD
VERSUS
SAMATIBAI PANCHHILAL BHAVARE AND OTHERS

...
Mr. A.S. Usmanpurkar – Advocate for Appellant
Mr. A.S. Sawant – Advocate for Respondent Nos.1, 3 and 4
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 20th March, 2023

PER COURT :

FIRST APPEAL NO. 582 OF 2022

1. The learned counsel for appellant – Insurance Company has filed pursis on 16th January, 2023, mentioning that though the respondent nos.2 and 5 have respectively died on 18th April, 2021 and 15th April, 2021 due to Covid-19, infectious disease. Today he also placed copies of their death certificates. It appears that the legal representatives of respondent nos.2 and 5 are already on record as such, the appellant – Insurance Company is permitted to delete the

names of respondent nos.2 and 5.

2. The corrections be made forthwith.

3. Heard.

4. **Admit.**

5. Mr. A.S. Sawant – learned counsel waives service of notice for respondent nos.1, 3 and 4.

CIVIL APPLICATION NO. 17288 OF 2022

6. Heard rival submissions.

7. In view of the order passed today in the main appeal, the learned counsel for the applicants is permitted to delete the names of present applicant nos.2 and 5 forthwith.

8. The remaining applicants are seeking withdrawal of the amount of compensation as per the apportionment made by the learned Tribunal, which has been deposited by the Insurance Company alongwith the interest accrued thereon.

9. Vide order dated 02.01.2023 this Court in the matter

arising out of same accident has permitted the applicants therein to withdraw 50% of the deposited amount. In the instant matter applicant nos.3 and 4 are minors and therefore, only the applicant no.1 is at present permitted to withdraw amount of compensation falling to her share as per the apportionment done by the learned Tribunal alongwith the interest accrued thereon till date by furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

10. The remaining amount be kept in F.D.R. in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

11. The applicant nos.3 and 4 are at liberty to file withdrawal application in respect of compensation falling to their respective shares on attaining majority.

12. The Civil Application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE

Pooja K.