

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

**CIVIL APPLICATION NO. 814 OF 2023 IN
FIRST APPEAL NO. 1517 OF 2010**

Kantabai Deonath Dawange & others Applicants

Versus

ICICI General Insurance Co.Ltd. Respondent

Mr. A. D. Muley, advocate for the Applicants
Mr. S. S. Patil, advocate for Respondent No.1

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th April, 2023.

PC :

Heard rival submissions.

The applicants are claiming withdrawal of entire compensation amount along with accrued interest thereon.

However, it appears that applicants no.3 and 4 died during the pendency of appeal, which was filed by Respondent No.1-Insurance Company, but their legal heirs were not brought on record and during the lockdown period, the Insurance Company has withdrawn the appeal.

The impugned award indicates that from the amount of compensation, amounts of Rs. One lakh each were

given to deceased Respondents No.3 and 4, namely Yogesh Deonath Dawange i.e. son of the deceased and Bajirao Dawange i.e. father of the deceased.

It is already pointed out in para 6 of the application that applicants no.3-A to 3-C are the legal heirs of deceased Yogesh and applicants no.1, 2 and 3 are the legal heirs of deceased Bajirao, who were already on record. Under such circumstances, the amounts falling to the shares of deceased applicants no.3 and 4 are required to be distributed. Admittedly, First Appeal filed by the Insurance Company is already disposed of.

As such, the applicants are permitted to withdraw the amount of compensation along with the interest accrued thereon as per the apportionment done by the learned Tribunal. The compensation amount falling to the share of deceased applicant no.3 – Yogesh be distributed equally among applicants No.3-A to 3-C, whereas, the compensation amount falling to the share of deceased applicant no.4 – Bajirao be divided in three parts and one part each be given to applicant no.1 and 2, whereas, remaining one part be again

distributed equally among applicants no.3-A to 3-C.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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