IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.568 OF 2023
IN FA/2379/2022

TATERAO KISHANRAO KAMBLE AND ORS
VERSUS
DASHARAT NATHU WANI AND ORS
...
Mr. G. K. Muneshwar, Advocate for the Applicants.
Mr. D. P. Deshpande, Advocate for Respondent Nos.2 and 3.
...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 14th JULY, 2023.

PER COURT:-

1. By this application, the applicants are praying for modification of the order dated 20th August, 2022 passed in Civil Application No.6442/2022.

2. It appears that, in MACP No.147/20017, the Tribunal at Nanded has passed an Award for compensation under the provisions of Motor Vehicle Act. The said Award is subject matter of the First Appeal filed on behalf of the Insurance Company. The orig. claimant had moved an application seeking withdrawal of the amount. This Court vide order dated 20th August, 2022, permitted applicants to withdraw 50% of the compensation amount from the amount deposited by the Insurance Company.

3. It is the contention of the applicants that the applicant nos.2, 3 and 4 married during the pendency of the claim petition/appeal. The Aadhaar Card shows their names after marriage. Therefore, office has raised an objection that, the

names of the persons seeking withdrawal do not match with the names of the applicants who are permitted to withdraw the compensation amount. The applicants have filed the affidavits indicating that the names of the applicant nos.2, 3 and 4 appearing in their respective Aadhaar Cards are after their marriage. The present civil application is verified by the Vidyadhar Kisanrao Kamble, who is brother of the applicant nos.2, 3 and 4 and also one of the party to the claim petition.

4. Considering the aforesaid facts and the affidavit as tendered, the civil application deserves to be allowed.

5. The learned Advocate appearing for the applicants further submits that the Kisanrao Mukinda Kamble i.e. father of the applicants is not granted any share under the order passed by the Tribunal.

6. Considering the submissions, it would be appropriate to permit the applicants to withdraw 50% of the amount as per the apportionment shown in Clause No.5 of the order passed by the Tribunal.

7. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE