



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

**CIVIL APPLICATION NO. 2187 OF 2024
IN FA/2679/2016**

**SHAIKH BABU SHAIKH DADAMIYAN AND ANR
VERSUS
THE ORIENTAL INSURANCE CO. LTD. AURANGABAD**

....
Mr. G. R. Syed, Advocate for applicants
....

CORAM : Y. G. KHOBRAGADE, J.

DATE : 15 MARCH 2024

PER COURT :-

1. This is an application of the applicants-original claimants for withdrawal of the amount of compensation which is granted by the learned Member, Motor Accident Claims Tribunal, Aurangabad in M.A.C.P No.782 of 2012 on 07.03.2016.

2. It is contended that the insurance company had challenged the judgment and award passed by the M.A.C.T. by filing the First Appeal. However, on 15.01.2024, the insurance company has withdrawn the First Appeal. Therefore, it would be just and proper to permit the claimants to withdraw the entire

amount of compensation which has been deposited by the appellant insurance company, with accrued interest.

3. During pendency of appeal, the original claimant No.1 Shaikh Babu Shaikh Dadamiyan has died. His legal heirs are the applicant Nos. 2, 3 and 4. However, applicant Nos. 3 and 4 have no objection if the entire amount of compensation is disbursed in the name of applicant No.2. Therefore, the entire amount of compensation with accrued interest, be paid in the name of applicant No.2 at the risk and consequences of applicant Nos. 3 and 4.

4. The civil application is accordingly disposed of.

[Y. G. KHOBRAGADE, J.]

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