



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

CIVIL APPLICATION NO. 3417 OF 2023
IN FA/1807/2020

SAJAN VISHNU JORVEKAR
VERSUS
VIKRANT RAJENDRA ZAVARE AND ANOTHER

...
WITH
CIVIL APPLICATION NO. 3416 OF 2023 IN FA/1798/2020

LATABAI CHANGDEO PATOLE AND OTHERS
VERSUS
VIKRANT RAJENDRA ZAVARE AND ANOTHER

...
Advocate for Applicants : Mr. Rajendra L. Kute

...

CORAM : S. G. MEHARE, J.

DATE : 25-01-2024

PER COURT :-

1. Heard the learned counsel for the applicants. None present for the appellant/respondent No.1.
2. The appellant has deposited 50% of the amount of compensation as per order of this Court. The applicants were the claimants before the learned Tribunal. One was the death and another was the injury claim. *Prima facie*, the appellant was held liable to pay the compensation .
3. Perused the impugned judgment and award.

4. It appears that the present applicants had put up the similar case before the Tribunal. Considering the defence, the Tribunal has passed the award. The offending vehicle was not insured. In view of the matter, the following order is passed;

- i) Both applications are allowed.
- ii) The applicant in CA/3417/2023 and applicants No.1, 3, 4 and 6 in CA/3416 of 2020 are permitted to withdraw the amount of compensation deposited in this Court on furnishing an undertaking that they will deposit the amount, if the impugned judgment and award is reversed.
- iii) In Civil Application No.3416 OF 2023, applicant No.2 Anita Changdeo Patole and applicant No.5 Bapu Khandu Patole are dead. Their amount be retained.

(S. G. MEHARE)
JUDGE

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