



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**75 CIVIL APPLICATION NO. 10871 OF 2024
IN FAST/14224/2023**

BHIKU VITHAL JADHAV DIED THROUGH L RS VIMALBAI BHIKU JADHAV
AND OTHERS

VERSUS

BAJAJ ALLIANZ GENERAL INSURANCE CO LTD THROUGH ITS BRANCH
MANAGER

...

Advocate for Applicant : Mr. Pramod C. Mayure.

Advocate for Respondent No.1 : Mr. M. R. Deshmukh.

...

AND

**CIVIL APPLICATION NO. 5906 OF 2023
IN FAST/14224/2023**

BAJAJ ALLIANZ GENERAL INSURANCE CO LTD THROUGH ITS BRANCH
MANAGER

VERSUS

BHIKU VITHAL JADHAV DIED THROUGH L RS VIMALBAI BHIKU JADHAV
AND OTHERS

AND

**CIVIL APPLICATION NO. 5907 OF 2023
IN FAST/14224/2023**

BAJAJ ALLIANZ GENERAL INSURANCE CO LTD THROUGH ITS BRANCH
MANAGER

VERSUS

BHIKU VITHAL JADHAV DIED THROUGH L RS VIMALBAI BHIKU JADHAV
AND OTHERS

...

Advocate for Applicant : Mr. Mohit R. Deshmukh.

Advocate for Respondent / Claimants : Mr. P. C. Mayure.

...

CORAM : **KISHORE C. SANT, J.**

DATE : 17th October, 2024.

P.C.:

. Heard the learned counsel for the parties.

Application for condonation of delay:

2 The delay is hardly of 45 days caused in filing the appeal. For the reasons stated in the application, the delay stands condoned. The application stands allowed. Appeal be registered.

Application for stay:

3 The applicant has already deposited the amount as per impugned judgment and award alongwith interest in the office of this Court. In view of the same, there shall be stay to the impugned judgment and order. The application stands allowed and disposed of.

Appeal:

4 Heard.

5 Issue notice to respondents, returnable on 2nd January, 2025. Mr. Mayure, learned counsel waives notice on behalf of respondents/ original claimants.

6 The record and proceedings be called for.

Application for withdrawal of amount:

7 This application is for withdrawal of amount deposited by the appellant / insurance company in the office of this Court. The application is resisted by the learned counsel for insurance company.

He submits that the petition was for injury claim. However, subsequently, the injured / claimant died due to some other reason not connected with the accident. His entitlement ceases to be after his death. His heirs at the most entitled to receive amount towards the loss of estate and compensation towards loss of consortium and medical expense, which comes to Rs.3,22,000/-. He submits that the claimants are not entitled to any other amount.

8 Considering this position and that the amount was paid on his medical expenses, this Court pass the following order:

ORDER

- I. The applicants/ claimant are permitted to withdraw 50% of the amount alongwith accrued interest deposited in this Court on furnishing usual undertaking.
- II. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]

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