



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

973 CIVIL APPLICATION NO. 10498 OF 2024
IN FA/823/2002

SMT. PUSHPABAI AND ORS.
VERSUS
NATIONAL INSURANCE CO. LTD.

...
Advocate for Applicant : Mr. Vishnu Y. Patil

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CORAM : ARUN R. PEDNEKER, J.

Dated : September 27, 2024

PER COURT :-

1. Present civil application is filed for disbursing the awarded amount of the deceased respondent Nos. 5 and 6 in first appeal in equal share to applicant Nos. 1 to 4. along with accrued interest thereon.
2. None present for Appellant/Insurance Company.
3. The learned counsel for the applicants submits that First Appeal No. 823/2002 filed by the Insurance Company was dismissed by this Court vide order dated 9.12.2022. The respondent Nos. 1 to 6 are original claimants in the said appeal. Respondent No. 1 is the wife of deceased and respondent Nos. 2 to 4 are children of respondent No. 1 and deceased. Respondent Nos. 5 and 6 are parents of the deceased. The learned counsel for the applicants submits that during the pendency of the appeal, respondent Nos. 5 and 6 has also expired and as such, applicant Nos. 1 to 4 are only surviving claimants of the deceased and as such, amount of the share granted to the respondent Nos. 5 and 6 be disbursed amongst the applicant Nos. 1 to 4.
4. In view of the submissions made above, the applicants are permitted to withdraw amount deposited by the Insurance Company in this Court of

their share along with accrued interest thereon. As regards share of deceased respondent Nos. 5 and 6 is concerned, the applicants are permitted to withdraw the amount of share of deceased respondent Nos. 5 and 6, on furnishing undertaking that in the event, any other claim is filed in respect of share of deceased respondent Nos. 5 and 6, they would redeposit the amount of the share of deceased respondent Nos. 5 and 6 in this Court within four weeks along with accrued interest thereon. With the above undertaking the share amount of deceased respondent Nos. 5 and 6 be disbursed to the applicant Nos. 1 to 4 in equal share. The application is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

ssc/