



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

**CIVIL APPLICATION NO. 10794 OF 2023
IN FA/943/2023**

Kisan Namdev Shinde And Ors

.. Applicants

VERSUS

Babu Ram Jadhav And Ors

.. Respondents

...

Advocate for Applicants : Mr. Kakade (matkar) Savita
Parmeshwar

....

CORAM : S. G. MEHARE, J.

DATE : 16.02.2024

PER COURT :

1. Heard the learned counsel for the applicants/ original claimants. None present for the respondents.

2. The learned counsel for the applicants submits that the applicants are entitled to receive the compensation amount Rs. 7,24,437/- as deposited. The claimants are the husband and children of the deceased woman. However, the award reveals that compensation has been granted to the major sons on the death of her mother. It is a crucial question to be consider in this

case, whether the major sons in the facts of the case are entitled for compensation under Section 166 of the Motor Vehicle Act. One can understand that the husband may be entitled for compensation at the advance age. Hence, the following order is passed :-

ORDER

- (i) The application is partly allowed.
- (ii) The applicant No.1 husband is allowed to withdraw his 1/4th share with accrued interest thereon on the undertaking that he will deposit the amount if the impugned judgment and award is reversed.
- (iii) The balance amount be deposited to the Nationalized Bank as per the rules.

(S. G. MEHARE)
JUDGE

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