



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 CIVIL APPLICATION NO. 12785 OF 2024
IN FA/952/2010

BHAUSAHEB KASHINATH MATE AND OTHERS

VERSUS

THE ORIENTAL INSURANCE CO. LTD., THR ITS DIVISIONAL MANAGER,
AURANGABAD AND OTHERS

...

Advocate for Applicants : Mr. P. F. Patni
Advocate for Respondent No.1 : Mr. V. D. Khivasara
h/f. Mr. V. N. Upadhye

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 05.12.2024

PER COURT :

1. Heard Mr. Patni, learned counsel appearing for the Applicants/original claimants and Mr. Khivsara holding for Mr. Upadhya, learned counsel appearing for Respondent No.1 – Insurance Company.

2. By the present Application, the Applicants / original claimants in MACP No. 482/2007 seeks leave to withdraw the amount of compensation which have been deposited by the Non-Applicant No.1- Insurance Company while filing the Appeal. It is a matter of record that on 02.08.2022, this Court passed an order and dismissed the Appeal filed by Non-Applicant No.1 – Insurance Company wherein the Judgment and Award dated 30.12.2009 passed in MACP No. 482/2007 was challenged. Further, the Original claimant Ms. Tulsa alias Balubai d/o Bhausahab Mate married with Vithal

Ghavate. Therefore, she has changed her name as Sow. Tulsabai w/o Vitthal Ghavate by publishing Government Gazettee dated 30.11.2024.

3. The claimants submitted that Respondent No.1 - Insurance Company deposited amount of Rs. 3,34,000/- along with interest out of which they have withdrawn the amount of Rs. 2,50,000/-. Therefore, Rs. 84,000/- is remaining. Since the Appeal is already been dismissed, the claimants – present Applicants are entitled to receive remaining amount of Rs. 84,000/- with accrued interest thereon.

4. The office is directed to make the payment in favour of the Applicants by Account Payee cheque in their names as per their share in equal amount, as per the aforesaid Judgment and Award dtd. 30.12.2009.

5. The Office is further directed to issue the Account Payee Cheque in favour of Claimant No.2 in her name after marriage as shown in the title clause of Applicant No.2.

6. Accordingly Application is disposed off.

(Y. G. KHOBRAGADE, J.)

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