



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14812 OF 2023
IN FAST/1215/2020 WITH CIVIL
APPLICATION NO. 2498 OF 2020 IN
FAST/1215OF 2020

Ashwini Shekhar Kothimbire And Ors ..APPLICANTS

VERSUS

Shahaji Gajanan Gosavi And Anr ..RESPONDENTS

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

Advocate for Respondent No.2 : Mr. S. V. Lohiya h/f
Mr. R. F. Totala

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CORAM : S. G. MEHARE, J.
DATE : 16.02.2024

PER COURT :

1. Spare copy be supplied to the learned counsel for the appellant.
2. Heard the learned counsel for the applicant and the learned counsel for respondent.
3. The appellant/respondent strongly opposed the application contending that the income of the deceased has been considered

at higher level. He was just having a tractor and trolley and an agricultural field. He was not income tax payer.

4. The learned counsel for the applicant would submit that the deceased had a garden land and tractor and trolley. So from both sources he was getting good income. Since he lost his life, the applicants have no source of income.

5. Considering the facts and circumstances of the case, the following order is passed :-

ORDER

- (i) The application is allowed.
- (ii) The wife, son and daughter and mother are allowed to withdraw their 1/4th share from the amount deposited with accrued interest on behalf of the minor the mother on the undertaking that they would deposit the money if the impugned judgment and award is reversed.
- (iii) The share of minor son and daughter should be deposited in the Fixed deposit in any of the Nationalized Bank under the

Guardianship of mother as per her choice till they attained the majority with right to receive interest at the quarterly rests.

- (iv) The 50% of the share of wife and mother be deposited in fixed deposit in any of the nationalized bank of their choice for three years with right to receive the interest at quarterly rests.

CIVIL APPLICATION NO. 2498 OF 2020
IN FAST/1215OF 2020

UNITED INDIA INSURANCE CO. LTD THR ITS
DIVISIONAL MANAGER AURNAGBAAD
VERSUS
ASHWINI SHEKHAR KOTHIMBIRE AND OTHERS

6. Heard the learned counsel for the applicant and the learned counsel for the respondents.

7. For the reasons mentioned in the application, the delay deserves to be condoned. Hence, the following order

ORDER

- (i) The application is allowed.
- (ii) The registry is directed to register the First Appeal.
- (iii) The learned counsel Mrs. S. P. Kadam, waives service of notice for respondent Nos. 1 to 5.

8. Stand over to 6.5.2024.
9. Call record and proceeding.

(S. G. MEHARE)
JUDGE

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