



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

141 CIVIL APPLICATION NO. 3494 OF 2024
IN FA/715/2024

KOMAL DNAYNESHWAR THORAT
VERSUS
RAHUL NATHU MAHANGADE AND ORS

...

Advocate for Appellant : Mr. Ajinkya A. Joshi h/f Mr. Natu
Sharad V.

Advocate for Respondent No. 1 : Mrs. Anuradha S. Mantri

...

CORAM : KISHORE C. SANT, J.

DATE : 18th JUNE, 2024.

PER COURT :

1. Though served, none appears for the respondent
Nos. 3 to 6.

2. It is the case of the applicant that she is a widow of
the deceased Dnyaneshwar Thorat, who died in an accident.
She had filed Motor Accident Claim Petition for getting
compensation.

3. Respondent Nos. 3 to 6 also had filed a separate
Claim Petitions. Respondent No. 3 happens to be the father,

Respondent No. 4 mother, Respondent No. 5 widowed sister, Respondent No. 6 is son of widowed sister of the deceased.

4. The Court allowed the Claim Petitions and only 50% of the amount was directed to be paid to the present applicants, whereas, Respondent Nos. 3 and 4 were directed to be paid 20% each. Respondent Nos. 5 and 6 were directed to be paid 10% of the amount each. The applicant has filed appeal only to the extent of grant of compensation to Respondent No. 3, 5 and 6. So far as respondent No. 4, she has no objection as respondent No. 4 happens to be the mother of the deceased.

5. It is the case of the applicant that Respondent Nos. 3, 5 and 6 are not entitled to receive compensation as they cannot be said to be the dependents.

6. The applicant has therefore, filed this application to the extent of stay of disbursement of the amount to the Respondent Nos. 3, 5 and 6.

7. Learned Advocate submits that if the amount is disbursed to respondent Nos. 3, 5 and 6, it would be difficult to recover the said amount. It is only the present applicant and

Respondent No. 4, who are entitled to receive the compensation. He thus, submits that there is prima-facie case in favour of the applicants. The balance of convenience lies in their favour. If the amount is disbursed to Respondent Nos. 3, 5 and 6, it will cause great hardship to the Applicants.

8. Mrs. Mantri learned Advocate appears for respondent No. 1 i.e. the owner of the vehicle and she has no objection to pass the order. Hence the following :

ORDER

- a) The application is allowed.
- b) The ad-interim stay is already granted by order dated 10.04.2024, the same shall be continued till the next date.
- c) Stand over to 30.07.2024.

**(KISHORE C. SANT)
JUDGE**

mahajansb/