



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION (CAF) NO. 1047 OF 2024
IN**

FIRST APPEAL NO. 910 OF 2018 (D)

Bajaj Allianz General Insurance Co. Ltd.

Vs.

Smt. Sushila Wd/o. Jaichand Rathod and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D. N. Kukday, Advocate for appellant.
Shri Vivek Awachat, Advocate for respondent nos. 1 to 5.

CORAM :- M. W. CHANDWANI, J.

DATED :- 20.08.2024

Heard.

2. By the present application, the applicants seek withdrawal of the amount of award deposited by the appellant-Company. It is noted here that the appellant has already deposited the decretal amount thereafter, the appeal came to be withdrawn by the appellant unconditionally in Lok-Adalat. It is contended in the application that respondent no. 6- Mirabai Wd/o. Namdeorao Rathod died during pendency of the appeal. The award has been passed by the Tribunal by its common judgment and order dated 03.09.2014. The Tribunal directed that amount of Rs.4 lakhs be deposited in the name of respondent nos. 2 to 5, who were then minor, in Fixed Deposit in any Nationalized Bank.

3. The respondent no. 1 has filed an affidavit stating that there is no other legal heirs of deceased respondent no. 6- Meerabai Rathod other than respondent nos. 1 to 5. Respondent nos. 2 to 5 are now major therefore, respondent nos. 1 to 5 are permitted to withdraw the amount, along with accrued interest, deposited by the appellant to the extent of their shares. Insofar as share of deceased respondent no. 6- Meerabai Rathod is concerned, respondent nos. 1 to 5 being legal heirs in category of Class-I of the Schedule of the Hindu Succession Act, 1956, her share in the award, alongwith accrued interest, be distributed equally amongst respondent nos. 1 to 5.

4. Accordingly, the application is disposed of.

(M. W. CHANDWANI, J.)