

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

**938 CIVIL APPLICATION NO. 1955 OF 2025
IN FA/513/2022
WITH
CIVIL APPLICATION NO. 3955 OF 2022
IN FA/513/2022**

RAMHARI @ BABAN AMBADAS HAWLE (DIED) AND ORS
VERSUS
INDRAKANT @ CHANDRAKANT HARISHCHANDRA
SHENDURKAR

...
Advocate for Applicants : Mr. Swapnil Sunilkumar Dargad
Advocate for Respondent : Mr. Murlidhar S. Karad
...

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : FEBRUARY 25, 2025**

ORDER:-

IN FIRST APPEAL NO. 513 OF 2022

The learned counsel for the applicants/claimants filed pursis mentioning that the applicant No.1, who is original claimant No.1, has died on 02.04.2021 and his legal heirs and the dependents on deceased, are already on record. As such, the name of appellant no.1 be shown as 'since deceased' in the appeal memo. The amendment be carried out forthwith, by the appellant/owner.

IN CIVIL APPLICATION NO. 1955 OF 2025

1. Heard rival submissions.

2. The applicants are seeking withdrawal of the entire amount of compensation i.e. 50% of the total compensation, along with the interest accrued thereon, which has been deposited by the appellant/owner.

3. The learned counsel for the appellant/owner strongly opposed the application, on the ground that his vehicle was not at all involved in the accident. However, the learned Tribunal has held that the vehicle of appellant/owner was in fact involved in the accident. The charge sheet is also filed against the appellant only and that too after the due investigation. The appellant has not led any evidence of independent witness.

4. As such, the applicant Nos. 2 and 3 are permitted to withdraw the deposited amount of compensation along with the interest accrued thereon till date, on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court, in equal proportion.

5. The Civil Application is accordingly disposed of.

IN CIVIL APPLICATION NO. 3955 OF 2022

Since the appellant/owner has deposited the amount of compensation as directed by this Court, the application is made absolute in terms of its prayer during the pendency of this appeal and disposed of.

(SANDIPKUMAR C. MORE, J.)

Y.S. Kulkarni