



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

**916 CIVIL APPLICATION NO. 6789 OF 2025
IN FA/2665/2015**

SANGITA BALWANTRAO SONAWANE AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD.

Ms. S.T. Kazi, Advocate for the applicants (through VC).

CORAM : KISHORE C. SANT, J.
DATE : 09.09.2025

PC :-

01. Heard learned Advocate for the applicant. None for the respondents. This Court on last occasion had passed an order that even if none appears for the respondent, the application will be taken up. In the morning sessions, none appeared for the respondent. Therefore, the matter was kept back in the second sessions. In the second session also, none appears for the respondent.

02. This application is filed by the original claimants. Original claim petition was filed by claimant Nos. 1 to 5. During the pendency of the appeal, claimant Nos.4 and 5 expired. The matter was thus prosecuted by the present applicants. The applicants state that after death of original claimant No.5 on 24.03.2022 and original claimant No. 4 on 24.08.2018, they are the only legal heirs of original claimant Nos. 4 and 5. During the pendency of the appeal, the amount of compensation is deposited in the office of learned Member, MACT. Since original claimant Nos. 4 and 5 are died, now application is moved by applicant

Nos. 1 to 3 before the Tribunal for disbursement of the amount to the extent of original claimant Nos. 4 and 5 being only legal heirs. Learned Incharge Member, MACT, however, rejected the application directing to pay amount only to the extent of applicant Nos. 1 to 3 by order dated 15.04.2024. So far as amount to the extent of original claimant Nos. 4 and 5 is concerned, it is observed that the amount needs to be disbursed amongst their legal heirs and applicant No.1 cannot ask for the amount of the share of original claimant Nos. 4 and 5. The applicants, therefore, approached this Court by way of this Civil Application. It is specifically stated that present applicant Nos. 1 to 3 are the only legal heirs of deceased original claimant Nos. 4 and 5.

03. Considering that no one has come forward to be heirs of original claimant Nos. 4 and 5 and on record only present applicants are the legal heirs, this Court finds that there is no difficulty in allowing present applicant Nos. 1 to 3 to withdraw the amount even of the share of original claimant Nos. 4 and 5 in equal proportion.

04. This Civil Application is allowed in terms of prayer clause (B). The amount be disbursed to present applicant Nos. 1 to 3 and share of original claimant Nos. 4 and 5 be disbursed to them in equal proportion.

[KISHORE C. SANT, J.]