



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

5 CIVIL APPLICATION NO. 7756 OF 2024
IN FIRST APPEAL NO. 500 OF 2020

SUREKHA PRALHAD BORSE AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD THROUGH ITS
ASSISTANT MANAGER (LEGAL HUB) AURANGABAD

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Mr. Shrikant S. Patil – Advocate for Applicants
Mr. C.R. More h/f. Mr. S.R. Bodade – Advocate for sole Respondent
Mr. Monoj Shinde – Advocate for Respondent No.9 in F.A.

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CORAM : SANJAY A. DESHMUKH, J.
DATE : 6th JANUARY, 2025

PER COURT :

1. Heard learned advocates for the parties.
2. Learned advocate for the applicants pointed out that, order dated 7th November, 2024 passed in Civil Application No. 3344/2022. He further pointed out that, applicant No.4 died on 14.11.2023 and original claimant No.5 – Mathurabai Bhaskar Borse also died on 04.04.2018, therefore, he prays for modification of order dated 07.11.2023. Accordingly, present applicant Nos.1 to 3 be permitted to withdraw the shares of original respondent Nos.4 and 5.
3. Perused the application and death certificates of original

respondent Nos.4 and 5. Considering the fact that, claimant/original respondent Nos.4 and 5 were died and the amount falling to their share must be given to claimant Nos.1 to 3. Order dated 07.11.2023 is therefore, modified and accordingly the M.A.C.T., Dhule is directed to pay that amount accordingly to applicant Nos.1 to 3.

4. The Civil Application is accordingly disposed of.

[SANJAY A. DESHMUKH]
JUDGE