



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

**CIVIL APPLICATION NO. 9768 OF 2025
IN FA/3094/2024**

Jubedabi Majid Shaikh And Ors

VERSUS

The New India Assurance Company Ltd Through Its Branch
Office Aurangabad And Ors

...

Mr. Shaikh Kayyum Najir, Advocate for Applicants
Mr. M. R. Deshmukh, Advocate for Respondent no.1

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CORAM : AJIT B. KADETHANKAR.

DATED : 11TH SEPTEMBER, 2025

ORDER :-

- . Heard parties.
2. Undisputedly, First Appeal No.3094 of 2024 filed by present respondent no.1 against the judgment and award dated 14.03.2024, passed by learned Member, Motor Accident Claims Tribunal, Aurangabad in M.A.C.P. No.700 of 2021 is dismissed on merits on 26.02.2025.
3. Present Civil Application is filed by the applicants seeking permission to withdraw the amount deposited by the appellant in this Court. It is contended by the applicants that original claimant no.7 namely, Shaikh Abdul Majid Shaikh Chand is died on 06.04.2025, i.e. after dismissal of the First Appeal.

. Mr. Shaikh Kayyum Najir, learned Advocate appearing for the applicants submits that the legal heirs of the deceased applicant no.7 are already on record. He would further submits that the other claimants do not have any objection if the share pertaining to the deceased claimant no.7 is adjusted additionally into the share of the applicant no.1 i.e. widow. Affidavit of consent by all the respondents is also filed on record and Mr. M. R. Deshmukh does not record any objection for such amendment. Applicant no.2, who is only mature amongst the original claimants is also on record. It is also pointed out that the share pertaining to applicant nos.1 to 6 is already withdrawn by them. Now only share of deceased applicant no.7 is remained for withdrawal. Hence, I pass following order:

ORDER

- a. Civil Application stands allowed.
- b. Amount pending in this Court deposited by the appellant/Insurance Company in First Appeal No.3094 of 2024 is permitted to be withdrawn by the applicant no.1.
- c. Civil Application stands disposed of.

(AJIT B. KADETHANKAR, J.)