



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

FIRST APPEAL NO. 1816 OF 2014

1. Sagnita Mohan Nawale
Age 28 yrs. Occ. Household
2. Abhishek Mohan Nawale,
Age 2 yrs. Occ. Nil
Minor under the guardianship
of his mother appellant no.1.

Both r/o Maldad, Tq. Sangamner
Dist. Ahmednagar

.....APPELLANTS
(Ori. Claimant Nos.1 and 2)

VERSUS

1. M/s Cosmo Bulk Carriers
D-232, TTC Industrial Area,
Mumbai Pune Road, Village
Shirvane, Dist. Thane
2. Divisional Manager,
National Insurance Company Ltd.
Opp. S.T. Bus stand, Ambar Plaza,
Ahmednagar, Dist. Ahmednagar.
3. Deoram Sambhu Nawale
Age 63 yrs. Occ. Nil
r/o Maldad, Tq. Sangamner.
Dist. Ahmednagar
(Died on 28.08.2015, through appellant nos.1 and 2)
4. Tahnabai Deoram Nawale,
Age 60 yrs. Occ. Household
r/o Maldad, Tq. Sangamner,
Dist. Ahmednagar.
(Died on 28.08.2015, through appellant nos.1 and 2)

.....RESPONDENTS
(R.Nos.1 to 3 are original opponents no.1 to 3 and
R.Nos.4 is ori. Claimant no.3)

Mr. R. K. Temkar, Advocate for Appellants
Mr. S. N. Pagare, Advocate for Respondent no.2
Mr. S. K. Shinde, Advocate for Respondent no.3

WITH
CIVIL APPLICATION NO. 10468 OF 2014 IN FA/1816/2014

CORAM : AJIT B. KADETHANKAR.

DATED : 08TH OCTOBER, 2025

ORDER :-

. Heard finally for disposal at admission stage with consent of Mr. R. K. Temkar, learned Advocate for the appellants, Mr. S. K. Shinde, learned Advocate for respondent no.3 and Mr. Pagare, learned Advocate for respondent no.2.

2. Considering the small issue, which now is no more in existence, the appeal is decided at the behest of the parties.

3. Mr. R. K. Temkar, learned Advocate representing the appellants in the First Appeal would submit that the claim was filed in the learned Tribunal by the widow, son, mother of one Mohan Nawale. He would further submit that the father of the deceased namely Deoram was arrayed as respondent in the claim petition. He further submits that while allowing the claim partly on 26.06.2014, the learned Member of Motor Accident Claims Tribunal in Motor Accident Claims Petition,

apportioned the total award equally amongst the original claimant nos.1 to 3 as also the respondent no.3 who happened to be father of the deceased Mohan Nawale.

4. Present appeal is however filed only by the widow and son of deceased Mohan and parents of the deceased Mohan are already arrayed as respondents in this First Appeal.

5. Now today Mr. R. K. Temkar, learned Advocate for the appellants as also Mr. S. K. Shinde, learned Advocate for respondent no.3 would submit that during the pendency of this First Appeal, the respondent no.3 namely Deoram Sambhu Nawale is died on 28.08.2015. Mr. R. K. Temkar, learned Advocate would also submit that even on 07.12.2022, the original claimant no.3 Tanhabai Deoram Nawale is also expired (copies of death certificates are taken on record and marked as 'X1' and 'X2' respectively for identification.

6. Both the learned Advocates would submit that in view of death of Deoram and also of Tanhabai, their share and interest is devolved only into the present appellants and that the appellants are the only legal representatives of deceased Deoram as also Tanhabai.

7. Mr. R. K. Temkar, learned Advocate seeks permission to amend the title clause accordingly.

8. Permission granted. Amendment be carried out forthwith.

9. Mr. R. K. Temkar, learned Advocate for the appellant would submit that the First Appeal was filed by the appellants only disputing the apportionment of the award amount that was to be shared with deceased Deoram and Tanhabai. Mr. Temkar, learned Advocate would submit that the widow and son of deceased Mohan Nawale had disputed quantum of share that was awarded by the learned Tribunal to the deceased Deoram and Tanhabai. He further submits that in view of the fact that now both Deoram and Tanhabai are no more and as their share and interest is devolved into the present appellants only, the present First Appeal itself does not survive, but he would pray for direction that the applicants be permitted to withdraw their share pertaining to deceased Deoram and Tanhabai.

10. Mr. R. K. Temkar, learned Advocate would submit that the entire amount i.e. deposited by the Insurance Company is

still pending in the learned Tribunal and no amount is as such withdrawn by either party including the deceased Deoram and Tanhabai.

11. Mr. S. N. Pagare, learned Advocate for respondent no.2 as also Mr. S. K. Shinde, learned Advocate for respondent no.3 fairly express their no objection to dispose of this First Appeal and also to permit the appellants to withdraw the entire amount deposited by the Insurance Company in the Trial Court.

12. Mr. R. K. Temkar, learned Advocate would submit that during the course of time, the appellant no.2 has also attained majority and as such, the rider, if any, put by the learned Tribunal may not come in his way to withdraw the amount.

13. In view of this, I pass following order:

ORDER

- a. First Appeal stands disposed of at admission stage by consent of the parties.

b. Appellants are permitted to withdraw the entire amount deposited by the respondent no.2/Insurance Company in the Court of learned Member, Motor Accident Claims Tribunal, Sangamner, Dist. Ahmednagar pursuant to the judgment and award passed in M.A.C.P. No.58 of 2005.

c. Pending Civil Applications, if any, stand disposed of.

(AJIT B. KADETHANKAR, J.)