



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 CIVIL APPLICATION NO. 10500 OF 2025
IN FA/3752/2018

CHHAGAN UMAJI GIRHE DIED THROUGH LRS SHOBHA AND
OTHERS
VERSUS
DIVISIONAL MANAGER, SHRIRAM GENERAL INSURANCE CO. LTD.
AND ANOTHER

...
Advocate for Applicants : Mr. Rajale Gulab B.
Advocate for Respondent No.1 : Mr. S. S. Rathi
Advocate for Respondent No.2 : Mr. C.V. Dharurkar
...

CORAM : ABHAY J. MANTRI, J.

DATE : 24.11.2025

PER COURT :

1. By this application, the applicants, being legal heirs of the original claimant, have prayed to bring their names on record in place of the original claimant/ respondent No.1 and also urged to condone the delay for filing the said application and to quash and set aside the order of abatement passed, if any, against the respondent No.1, and for permitting them to withdraw the amount of compensation lying in this court, for which the learned advocate for the appellant has given no objections. Similarly, the learned Advocate for the appellant has given no objection to the withdrawal of the amount deposited by them, and lying in this court, by the applicants.

2. The learned Advocate for both parties submitted that they were not aware of the death of the original respondent before the passing of the order in the Lok Adalat on 22.03.2025. In fact, Respondent No.1 died on 12.12.2024.

3. It further reveals that before the Lok Adalat, the Insurance company had withdrawn the appeal, and as per clause 6 of the order, the panel of the Lok Adalat had permitted the original claimant to withdraw the amount; however, due to the death of the original claimant before the passing of the order, the said amount is lying in this court, so the applicants being legal heirs have moved this application.

4. Having considered the above facts, in my opinion, to meet the ends of justice, it would be appropriate to pass the following order.

ORDER

- i) Application is allowed as prayed.
- ii) Respondent No.1/appellant (Insurance Company) is permitted to bring the names of the legal representatives of the deceased respondent No.1- Chagan Umaji Girhe, in the appeal, in the appeal memo, within two weeks, and to carry out the amendment in the appeal memo accordingly. The delay, if any, caused in filing this application is condoned. The abatement order, if any, passed is hereby quashed and set aside.

iii) As a sequel to carrying out the amendment in the appeal memo by the appellant, the necessary corrections should be carried out in the order dated 22.03.2025. After completion of all these procedures, the amount lying in this Court will be transmitted to the bank accounts of the respective applicants, i.e., the legal representatives of the deceased respondent no. 1, i.e., 1A to 1E.

iv) It is made clear that out of the said amount, 60% amount be transmitted to the bank account of the widow, i.e. the wife of the deceased respondent No.1, along with proportionate accrued interest thereon, and 10% each be transmitted in the bank accounts of the applicants No. 1B to 1E, along with proportionate accrued interest thereon, within six weeks, on their furnishing bank account details to the Registry.

5. The Civil Application is disposed of accordingly.

(ABHAY J. MANTRI)
JUDGE

shp/-