



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

11 CIVIL APPLICATION NO. 410 OF 2025
IN FAST/7345/2024

VAISHALIN WAMAN BHUKAN AND ANR
VERSUS
THE MANAGER, THE NEW INDIA INSURANCE CO. LTD.,
AHMEDNAGAR AND ORS

....
Mr. R. R. Dhongade, Advocate for applicants
Mr. R. R. Imale, Advocate for Respondent No.2
....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 02.05.2025

PER COURT :-

. Heard learned Advocates appearing for respective parties.

2. Applicants are the original claimants in MACP No.223 of 2018. They are seeking permission to withdraw the compensation amount deposited by the respondent/insurance company in pursuance to award dated 29.09.2023 passed by the Tribunal.

3. The deceased, Waman Bhukan, died in motor vehicular accident. The applicant Vaishali along with Vaishnavi filed MACP NO.223 of 2018. She added parents of deceased as respondents. At the same time, one Gangu, along with her children, filed MACP No. 170 of 2018, claiming herself to be wife and her children to be children of the deceased. Both claims were clubbed together before

the Tribunal. After assessing the material on record, Tribunal allowed MACP No. 223 of 2018, filed by the applicants, whereas in the Gangu's claim, i.e., MACP No. 170 of 2018, compensation has been granted only to the children while claim of Gangu has been dismissed. It is informed that Gangu has filed an independent appeal impugning award passed by the Tribunal.

4. On perusal of the operative part of Tribunal's award, it is seen that apportionment of compensation has been made. An amount of ₹10 lakh each has been granted to the shares of Dattatray and Dwarka, and ₹15 lakh each to the shares of Radhi, Mastyendra and Vaishali. The remaining amount, around ₹34 lakh along with accrued interest, has been allocated to the share of the applicants-claimants.

5. Considering the conspectus of the matter, both the applicants are permitted to withdraw 70% of compensation amount from their share as per apportionment made by the Tribunal along with accrued interest thereon.

[S. G. CHAPALGAONKAR, J.]

HRJadhav