

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

17 CIVIL APPLICATION NO. 3959 OF 2025
IN FA/3706/2019

Baban Mahadeo Jadhav (Died)
Thr LRs Hemant Baban Jadhav and Anr

Versus

Reliance General Insurance Co.
Thr Its Manager, Aurangabad and Anr

.....

Shri. Ashutosh S. Kulkarni, Advocate for the Applicants
Shri. Rohit H. Dahat, Advocate for Respondent No.1

.....

CORAM : NEERAJ P. DHOTE, J.

Dated : APRIL 7, 2025

PER COURT :-

1. This is the Civil Application in disposed off First Appeal No.3706 of 2019.
2. The Appeal was disposed off in the Lok Adalat held on 01.12.2024. The copy of the Order passed in Lok-Adalat is annexed with the Application at Exh. 'A-1'. The said order reads thus:

"ORDER

1. *Learned Counsel Mr. S. B. Chaudhari h/f. Mr. Kulkarni is present today and seeks leave to withdraw appeal as per the instructions of appellant / Insurance company.*
2. *First Appeal is disposed of as withdrawn. The award be drawn accordingly.*
3. *The amount if any shall be disbursed to the respondent – claimant alongwith accrued interest. Civil Applications are disposed of, if pending. The prayer for refund of Court fees shall be processed in accordance with law.*

4. The appellant and the Legal Services Authority shall intimate today's minutes to the respondent claimant and the stakeholders and their lawyers."

3. It is submitted by the learned Advocate for the Applicants / Claimants that M.A.C.P No.69/2017 was preferred by the Husband and Sons of Deceased Bhamabai. The claim was allowed by the learned Tribunal by order dated 02.02.2019. The Insurance Company had preferred the Appeal against the said Judgment and Order. Before disposing off the Appeal by the Lok-Adalat, the Husband - Claimant No.1 died and it was not known to him (the learned Advocate for the Claimants). He further submits that, two Sons, who were the Claimant Nos.2 and 3 in the Claim Petition, are the only legal representatives of Deceased Smt. Bhamabai and Claimant No.1 – Baban. He submits that now the share of Deceased Baban Mahadeo Jadhav be allowed to be withdrawn by Claimant Nos.2 and 3 in equal proportion. He submits that the Application be allowed.

4. The learned Advocate for the Insurance Company is present. He submits that the appropriate orders be passed.

5. The copy of the Death Certificate enclosed with the Application shows the name of Deceased as Baban Mahadeo Jadhav. This Application is filed on the affidavit sworn in by Claimant No.2. The above referred order of Lok Adalat also shows that the Appeal was

disposed off and the Claimants were permitted to withdraw the amount along with the interest accrued thereon. Since the Claimant No.1 i.e. Husband of Deceased Bhamabai died and sons i.e. Claimant Nos.2 and 3 are the only legal heirs / legal representatives, I see no impediment to allow the Application. Hence, the following order.

ORDER

- (i) The Application is allowed in terms of prayer clause 'A' and stands disposed off.

(NEERAJ P. DHOTE, J.)