



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL APPLICATION (CAF) NO 2024 OF 2025

IN

FIRST APPEAL NO. 915 OF 2009(D)

(Smt. Parwatabai wd/o Arvind Kanake and ors Vs. New India Assurance Co. Ltd and ors)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Mategaonkar, Advocate for appellant.
Mr. S.P Chintakuntalwar, Advocate for applicants.

CORAM : ABHAY J. MANTRI, J.

DATED : 14-07-2025.

Heard.

2. The applicants have moved this application to permit them to withdraw the compensation amount deposited by the appellant Insurance Company as the first appeal was disposed of vide order dated 29.01.2025, for which learned counsel for the appellant has no objection. The applicants have also produced a copy of the Power of Attorney executed by the applicants Nos. 2 to 5, and 7 in favour of applicant No. 1 on record, along with Pursis. The Pursis is taken on record and marked 'X' for identification.

3. In view of the power of attorney, the applicants Nos. 2 to 5 and 7 have authorised applicant No.1 to withdraw the amount of compensation from the Court and distribute the same between them as per the judgment and Award. Application is allowed.

4. Perused the judgment and award passed by the Tribunal as well as this Court. It seems that no apportionment of the compensation amount was made in the order. However, considering the fact that applicant No.1 Parvatabai is the widow and applicant Nos. 2 to 5 are her major daughters and sons, and applicant No. 7 is

her mother-in-law, I think that it would be appropriate to apportion the said amount amongst the claimants as under. Applicant No. 1, Parvatabai, is entitled to 50% of the compensation amount, and the rest of the applicants are entitled to 10% of the compensation amount each. Accordingly, the same should be distributed between them.

(ABHAY J. MANTRI, J.)

Belkhede