



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

CIVIL APPLICATION (CAF) NO. 2935 OF 2025

IN

FIRST APPEAL NO. 1038 OF 2025

(Bajaj Allianz General Insurance Co. Ltd. ..vs.. Madhuri w/o Ramprasad Rathi (dead) through her Lrs.
and others)

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

Court's or Judge's orders

Mrs. Mrunal Naik, Advocate for the appellant,
Mrs. U.A. Bhattad, Advocate for respondent No. 1A to 1C.

CORAM : ABHAY J. MANTRI, J.

DATED : 19-08-2025

Applicants/Respondent Nos. 1A to 1C have filed this application to permit them to withdraw the amount deposited by the appellant in the court.

2. The learned Advocate for the appellant has strongly objected. She submitted that the applicants were not dependent on the deceased and, therefore, they are not entitled to get compensation; however, she does not dispute that Madhuri, who was the widow of the deceased, was alive at the time of filing the claim petition. She also does not dispute that Madhuri had filed a claim petition; however, during the pendency of it, she died.

3. Having considered the reasons disclosed in the application as well as gone through the impugned judgment and evidence pointed out by the learned Advocate for the appellant and respondent Nos. 1A to 1C, I deem it appropriate that the applicants are entitled to withdraw 50% of the compensation amount along with accrued interest thereon, being the legal

heirs of the original claimant Madhuri, on furnishing the usual undertaking to the satisfaction of the Court. However, considering the above factual position, I do not find substance in the objection raised by the learned Advocate for the appellant as stated above.

4. Hence, the application is partly allowed. The applicants are entitled to withdraw 50% of the compensation amount along with accrued interest thereon, on furnishing the usual undertaking and bank account details to the registry.

5. The Registrar (Judicial) is directed to transmit 50% of the compensation amount in equal proportion to the bank account of the respective applicants, within six weeks, on their furnishing the usual undertaking and bank account details to the registry.

6. The application is disposed of.

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Heard.

2. Having considered the reasons raised in the memo of appeal, the appeal is **Admitted**.

3. Issue notice to the respondents.

4. Mrs. U.A. Bhattad, learned Advocate, waives service of notice for respondent Nos. 1A to 1C.

5. Learned Advocate for the appellant undertakes to supply copies of the appeal memo with annexures to the registry within two weeks. On supply of the copies, issue a notice to respondent No. 2.
6. List the matter in due course.

(ABHAY J. MANTRI, J.)

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