



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

FIRST APPEAL (STAMP) NO. 13977 OF 2019

(National Insurance Company Ltd. vs. Shakuntala w/o Ghanshyam Kapgate and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of the directions,
order
and Registrar's orders.*

Court's or Judge's

Mr. V.P.Maldhure, Advocate for appellant/Insurance Company.
Ms.Aditi Timande, Advocate h/f Mr. K.S.Motwani, Advocate for
respondent Nos. 1 to 3.

CORAM : ABHAY J. MANTRI, J.

DATE : JUNE 25, 2025

CIVIL APPLICAITON (F) NO. 2267 OF 2022

1) The appellant has filed an application for condonation of delay caused in filing the application for setting aside the abatement order and to bring the legal heirs of the deceased respondent No.5, as mentioned in para 2 of the application, on record. It is contended that after receipt of the Bailiff report, the appellant came to know about the death of respondent No.5 and therefore, the delay has occurred in bringing the legal heirs on record. For which the learned counsel for the respondent Nos.1 to 3 has no objection.

2) Considering the reasons disclosed in the application, the application is allowed as prayed. The appellant is permitted to bring the legal heirs of respondent No.5 as mentioned in para 2 of the application on record, and supply a copy of the amended appeal memo to the other side.

3) After carrying out the amendment, issue notices to the newly added respondents / legal heirs of respondent No.5.

CIVIL APPLICAITON (F) NO. 2065 OF 2025

- 1) The applicants/respondents No.1 to 3 have filed this application for permitting them to withdraw the amount deposited by the appellant Insurance Company in this Court. It is also contended that respondent No.2, Bhumita, has remarried and is residing with her husband at Chandrapur. It also appears from the judgment that the respondent No.2 mother, was shown as the guardian of respondent No.3 in the claim petition.
- 2) Learned counsel for the applicants/respondents No.1 to 3 further submitted that respondent No.2, Bhumita, has executed a power of attorney in favour of the applicant No.1/respondent No.1, Shakuntala. The respondent, No.3, Saurabh, is residing with respondent No.1; therefore, she urged for grant of an amount to applicant No.1 as the power of attorney of respondent No.2 and guardian of respondent No.3.
- 3) Learned counsel for the appellant has given no objection for withdrawal of 50% amount along with accrued interest thereon; however, he only submitted that the amount be transferred to the respective shares of the applicants/respondents No.1 to 3 as per the Award.
- 4) Considering the reasons stated in the application, as well as no objection given by the learned counsel for the appellant Insurance Company, I deem it appropriate to permit the applicants/respondents No.1 to 3 to withdraw 50% amount along with accrued interest thereon.
- 5) The learned Tribunal in its judgment categorically directed to distribute the compensation amount amongst the claimants

equally and to deposit the amount of the share of the minor in a fixed deposit till he attains the age of majority.

6) Considering the same, the learned Registrar (J) is directed to transfer 1/3rd share of the 50% amount in the bank account of applicants No.1 and 2 respectively as per the Award in proportionate amounts within four weeks on their furnishing bank account details.

7) The 1/3rd share of the 50% amount of applicant No.3 shall be kept in a fixed deposit till he attains the age of majority.

8) Accordingly, the application is partly allowed.

(ABHAY J. MANTRI, J.)

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