

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.447 OF 2007

Smt Sarika Deovrut Bhoomkar ...Appellant

Versus

Smt Rekha Prakash Bhoomkar & Anr. ...Respondents

Shri M.V.Deshmukh for the Appellant.

Shri S.D.Dharmadhikari for the Respondent No.1.

Shri V.N.Sagare for the Respondent No.2.

CORAM : ABHAY S.OKA, J.
DATED : OCTOBER 31st, 2007.

P.C.:

1. Heard advocate appearing for the appellant and the advocate for the first respondent. Admit. Service of notice to second and third respondent is dispensed with. The advocates appearing for the parties agree that the appellant and the first respondent are entitled to one half share each in the Insurance Policies which are referred to in the plaint. The learned advocate for the appellant accepts that a sum of Rs.2,00,000/- has been already received by the appellant against another policy held by her deceased husband and therefore, the said amount will have to be adjusted while calculating one half share of the appellant in the amounts payable under the suit policies.

2. In view of the aforesaid statements made by the advocates appearing for the parties, following order is

passed:

- (i) The second and third respondents are directed to deposit the entire amounts payable under the policies which are subject matter of the suit with the Court of the Civil Judge, Senior Division at Barshi within a period of four weeks from production of an authenticated copy of this order.
- (ii) The trial Court will permit the parties i.e the original plaintiff and the original defendant No.3 to withdraw 50% amount each. However, while calculating 50% amount payable to the plaintiff, adjustment shall be made as regards share of the parties in the sum of Rs.02,00,000/- already received by the defendant No.3 under another policy of the deceased.
- (iii) After the disbursement of the amount is made, the trial Court will pass appropriate order in terms of arrangement between the parties for disposing of the suit.
- (iv) Appeal from Order is disposed of in above terms.
- (v) Parties to act upon an authenticated copy of this order.

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JUDGE