

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.6611 OF 2014

Jignesh Hiralal Khairnar,
Age 9 years, Occu. Education,
Through legal and natural
guardian mother – Jayashri
Hiralal Khairnar, Age 29 years,
Occu. Household
R/o Ner, Taluka & District Dhule

.. Petitioner

Versus

1. Priya P. Chuttlani,
Age 50 years, Occu. Luxury
Owner, Luxury MH 27C 811
R/o Krushna Nagar,
Amarawati
2. United India Insurance
Company Limited,
United India House, 24,
Whites Road, Chennai
600014 (Notice be served
through its Branch Manager,
Dhule) Insurer of Luxury
MH 27C 811
3. Vijayabai Prakash Kahirnar,
Age 50 years, Occu. Household,
R/o Datta Mandir, Navapur,
District Nandurbar

.. Respondents

Mr B.R. Waramaa, Advocate for petitioner
Mr S.H. Tripathi, Advocate h/f Mr Mukul Kulkarni, Advocate for
respondent No.1
Mr M.A. Deshmukh, Advocate holding for Mr S.G. Chapalgaonkar,
Advocate for respondent No.2
Respondent No.3 served

CORAM : N.W. SAMBRE, J.

DATE : 8th December 2015

PER COURT

Heard.

2. Motor Accident Claims Tribunal, Dhule, in an award delivered on 24th July 2008 awarded an amount of Rs.4,00,000/- towards compensation, out of which the petitioner - minor son got Rs.2,00,000/-, his mother got Rs.1,50,000/- and his grandmother got Rs.50,000/-. As such, out of the total amount, after depositing the amount of Rs.1,50,000/- in Fix Deposit, the mother was custodian of Rs.2,00,000/-.

3. After the above referred award, the application is made at the behest of petitioner before the Tribunal for pre-mature encashing of Fix Deposit made in the name of minor son on the ground that same amount is to be invested in real estate, which came to be rejected by the Chairman, Motor Accident Claims Tribunal, Dhule vide order dated 18th March 2014.

4. Mr Warma, learned Counsel for the petitioner would urge that the property in question, which is sought to be purchased by pre-mature release of amount kept in Fix Deposit will be in the name of petitioner and as such, the amount will be secured. According to him, the amount of Fix Deposit is required to spend on his livelihood which includes providing proper shelter by purchasing plot.

5. Having perused the contents of application Exh.1 in Motor Accident Claims Petition Misc. Application No.24 of 2014 and the order passed by learned Chairman of the Tribunal, I am in complete agreement that the findings recorded thereto, as the total amount of

Rs.4,00,000/- for which an award came to be passed, Rs.2,00,000/- were in the custody of mother of the petitioner for which there is no account on record. Apart from above, the fact remains that out of the interest that is received from the amount of Rs.1,50,000/-, kept in Fix Deposit, standing in the name of petitioner used for the education of petitioner and welfare, can be looked into.

6. In my opinion, the learned Chairman of the Tribunal has rightly rejected the application, as the provisions of Motor Vehicles Act do not permit the investment of the amount in real estate awarded in favour of dependent/victim.

7. In view of above, no case for interference is made out. Writ Petition fails, stands dismissed.

(N.W. SAMBRE, J.)

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