

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

WRIT PETITION NO. 4366 OF 2015

SWATI DATTATRAYA SHINGATE AND OTHERS
VERSUS
DYANOBA RAJARAM MULIK AND ANOTHER

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Advocate for Petitioners : Mr. S.B. Choudhari

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CORAM : V.K. JADHAV, J.

Dated: January 11, 2016

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PER COURT :-

1. The petitioners are the original claimants in M.A.C.P.No.207/2012, Osmanabad. Said matter was settled in Lok Adalat in terms of the compromise for the sum of Rs.4,40,000/-. The Tribunal, while releasing the amount of Rs.4,40,000/- had directed to fix the amount of Rs.60,000/- in the Nationalized Bank in the name of minor petitioners no.2 and 3. The petitioner no.1 has filed an application for withdrawal of the said amount by cancelling the fixed deposit on the ground that the petitioner no.2, minor girl is suffering from liver disease and, therefore, said amount is required for her medical treatment. The learned Member of the Motor Accident Claims Tribunal, by impugned order dated 11.12.2014 rejected the said application.

2. The learned Member of the Tribunal has observed that an amount of Rs.3,20,000/- was permitted to be withdrawn by petitioner no.1 for herself and for the minors. Accordingly, petitioner no.1 has withdrawn said amount seven months prior to

order dated 11.12.2014. The amount kept in the name of minor claimants is for their future. It appears that claimant no.1 has not explained as to the amount already withdrawn by her. It is nowhere mentioned in application that said amount was spent by petitioner no.1 for other purposes and therefore, petitioner no.1 wants to withdraw the amount kept in the name of the minor petitioners. The learned Member of the Motor Accident Claims Tribunal has rightly rejected the said application. No interference is called for in writ jurisdiction.

3. Writ Petition is devoid of any merit. Writ Petition is dismissed. No costs.

(V.K. JADHAV, J.)

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aaa/-