

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 319 OF 2017

SHRI. SUSHIL JAYANT NANODKAR., ... Petitioner
Versus
MR. DNYANESHWAR VITHOBA RAUT AND 2
ORS., ... Respondents

Mr. S. P. Munj, Advocate for the petitioner.
Mr. R. G. Ramani, Advocate for respondent no.3.

Coram:- C. V. BHADANG, J.

Date:- 12th July, 2017

ORAL ORDER :

On 21/06/2017, a notice for final disposal was issued to the third respondent, which is alone the contesting party.

2. I have heard Shri Munj, the learned Counsel for the petitioner and Shri Ramani, the learned Counsel for the third respondent and the petition is being disposed of finally.

3. The petitioner had filed a petition, seeking compensation for injuries sustained in a motor vehicle accident and was awarded compensation of Rs.5,21,442/-. The petitioner filed Execution Application No.6/2017 before the learned Motor Accident Claims Tribunal at Panaji for execution of the award. The third respondent has deposited the said amount before the Executing Court. By the impugned order dated 15/02/2017, the learned Tribunal has permitted the petitioner to withdraw an amount of Rs.2 Lakhs, directing the remaining amount to be kept in a Fixed Deposit for 3 years. The petitioner is aggrieved by the part of the

order, directing the remaining amount to be kept in a Fixed Deposit.

4. On hearing the learned Counsel for the parties, it appears that the petitioner, who is now aged 55 years, had sustained injuries and the amount awarded, is towards compensation for such injuries. Normally, an order for deposit of the part of the amount of compensation in a Fixed Deposit would be passed where one or the other of the claimants are minors, in order to protect their interest, which is not the case in this matter. Such an order is normally passed to ensure that the amount in which a minor claimant has a share, is not frittered away. The learned Counsel for the third respondent has no objection for the petitioner withdrawing the entire amount of compensation, as deposited.

5. In such circumstances, the petition is allowed. The impugned order dated 15/02/2017 is modified. The petitioner is permitted to withdraw the entire amount as deposited by the third respondent along with interest, if any.

6. The petition is disposed of in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

SMA