

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3102 OF 2018
IN FAST/26094/2015

JAYASHRI RAJU KADAM AND OTHERS
VERSUS
ISMAIL PIRMOHMMAD SHAIKH AND ORS

WITH
CA/3712/2018 IN FAST/26094/2015

MANISHA RAJU @ RAJENDRA KADAM AND ORS.
VERSUS
ISMAIL PIRMOHMMAD SHAIKH AND ORS

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Mr. Shaikh Mazhar A. Jahagirdar, Advocate for applicants in
CA/3102/2018 and for respondents 3 to 8 in CA/3712/2018
Mr. R.L. Kute, Advocate for respondents 3 to 5 in CA/3102/2018
and for applicants in CA/3712/2018
Mr. A.B. Kadethankar, Advocate for respondent no.2 in both CAs

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CORAM : SUNIL P. DESHMUKH, J.
DATE : 06-04-2018

ORDER :

1. Heard learned counsel for the parties.
2. These two applications are by claimants in motor accident claims petition no. 171 of 2013, filed for withdrawal of amount deposited in this court.
3. It may have to be noted that in the award passed by learned Member, Motor Accident Claims Tribunal, Shrirampur dated

23-03-2015 passed in Motor Accident Claims Petition no. 171 of 2013, applicant no. 1 - Manisha Raju @ Rajendra Kadam in civil application no. 3712 of 2018 i.e. petitioner no. 7 in said claim petition, has not been given any share.

4. Applicants no. 1 to 6 in civil application no. 3102 of 2018 and applicants no. 2 and 3 in civil application no. 3712 of 2018 claim to be dependents of one Raju Kadam, who died in accident in the year 2013. Applicants in these applications are widow, children and parents of the deceased. With his death, applicants claim to have lost earning source for the family. Deceased was the only earning member in the family. Learned counsel for applicants submits that amount of compensation is required by applicants for their livelihood and for education of minor sons and daughters of applicants.

5. Learned counsel for the appellant-insurer has not been able to overcome the fact that as on date, tribunal has passed order in favour of the applicants-claimants. Need of applicants is not in any particular dispute.

6. In the circumstances, applicants no. 1 to 6 in civil application no. 3102 of 2018 and applicants no.2 and 3 in civil

application no. 3712 of 2018 are allowed to withdraw 50% of the amount deposited of their share with accrued interest thereon on furnishing undertaking by said applicants that the amount so withdrawn would be paid back / re-deposited by them in this court within a period of three months from date of decision in the appeal, if the same goes against the applicants. Undertakings to be filed within a period of four weeks from today. Undertakings for applicants no. 2 and 3 in civil application no. 3712 of 2018, be filed by Manisha Raju @ Rajendra Kadam i.e. applicant no. 1 in said civil application.

7. 50% of the amount being so withdrawn be apportioned equally amongst the withdrawing applicants. So far as minors are concerned, the amount of their share be invested in fixed deposits by withdrawing applicants and photocopies of fixed deposit receipts be furnished to this court. Interest of fixed deposits may be withdrawn for expenditure over minors.

8. Both civil applications are accordingly disposed of.

[SUNIL P. DESHMUKH]
JUDGE

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