

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CA/3074/2018 IN FAST/16139/2017
(**WITHDRAWAL**)
NIKITA CHANDRAKANT MANE ANR ORS.
VERSUS
RAMESHWAR SATTYANARAYAN MANIYAR AND ANR.

WITH
CA/3019/2018 IN FAST/16146/2017
(**WITHDRAWAL**)
NIKITA CHANDRAKANT MANE ANR ORS.
VERSUS
RAMESHWAR SATTYANARAYAN MANIYAR AND ANR.

...
Mr. L.H. Kawale, Advocate for applicants in both CAs
Mr. M.D. Shinde, Advocate for respondent no.1 in both CAs
Mr. S.R. Bagal, Advocate for respondent no.2 in both applications
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 08-03-2018

ORDER :

1. These are applications by claimants for withdrawal of amount of Rs.25,000/-, respectively, deposited pursuant to proviso to section 173 of the Motor Vehicles Act, 1988 in the appeal.
2. Learned counsel for the applicants submits that claimants have not received any amount towards compensation. The claimants are in dire need of the amount. He, therefore, urges to allow the applications.

3. Learned counsel for the respondent no.2 submits that the amount is a statutory deposit pursuant to the proviso to section 173 of the Motor Vehicles Act and may not be amenable for withdrawal.

4. However, proviso to Section 173 of the Motor Vehicles Act, 1988, reads as under:-

" 173. **Appeals** - (1) Subject to the provisions of sub-section (2), any person aggrieved by an award of a Claims Tribunal may, within ninety days from the date of the award, prefer an appeal to the High Court.

Provided that no appeal by the person who is required to pay any amount in terms of such award shall be entertained by the High Court, unless he has deposited with it twenty-five thousand rupees or fifty per cent of the amount so awarded, whichever is less, in the manner directed by the High Court:

Provided further that the High Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time."

5. Going by proviso, ostensibly that amount is to be deposited by way of component of compensation.

6. In view of aforesaid, it would be expedient to allow the applications, since it is stated that claimants who are five in number,

respectively, in both applications, have not received any amount hitherto after final decision by the Motor Accident Claims Tribunal, Latur.

7. In view of aforesaid, both civil applications are allowed in terms of prayer clauses (B) and (C), respectively, and are disposed of.

[SUNIL P. DESHMUKH]
JUDGE

arp/