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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9102 OF 2017
IN
FIRST APPEAL NO.692 OF 2010

Jinat Begum Akhtar Husen and Others

APPLICANTS

VERSUS

Maharashtra State Road Transport
Corporation, Jalgaon and Another

RESPONDENTS

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Mr. R. N. Chavan h/f Mr. Vijay Sharma, Advocate for applicants
Mr. M. D. Shinde h/f Mr. M. K. Goyanka, Advocate for R-1

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 13th APRIL, 2018

ORDER :

1. Heard learned advocates for the parties.
2. This is an application for withdrawal of amount by the claimants. Their claim to the extent of Rs.7,72,500/- inclusive of no fault liability had been granted along with interest thereon from the date of application. From the awarded amount, respondent No.1 - appellant has deposited 50% of the amount in the Tribunal, as per the condition for interim relief under the orders of this court.
3. Learned advocate for the applicants refers to that earlier

on the applicants were allowed to withdraw Rs.2,00,000/- and balance of the amount was directed to be invested in a fixed deposit in a nationalized bank. Thereafter, almost four years are over. The claimants have grown up. Their needs have also been increasing. Besides, they are taking education. Two of the applicants have become of marriagable age and marriage of one of the applicant is getting deferred for want of money.

4. Learned advocate for the respondent submits that going by the income that had been claimed by the claimants for the deceased, the awarded amount is unsustainable. Further, he contends that the extent of liability imposed under the award also may not be liable to be borne by the insurance company having regard to surrounding circumstances, particularly a decision in another claim petition in respect of one of the claims arising from the same accident.

5. Although this is being so submitted, it does not appear that there is any dispute about the needs claimed by the applicants. The accident is of 2007. In the circumstances, it would be expedient to allow the applicants to withdraw balance of the amount deposited by the appellant before the Tribunal along with the accrued interest thereon subject to furnishing an undertaking

before the Tribunal that the applicants would deposit the amount so withdrawn in case decision in appeal goes against their interest, within a period of three months of such decision.

6. Civil application accordingly stands disposed of.

[SUNIL P. DESHMUKH, J.]

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