

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

**CIVIL APPLICATION NO. 5673 OF 2018  
IN FIRST APPEAL No. 3134 of 2018**

Smt. Yogita Rajendra Patil and others

...**APPLICANTS**

**VERSUS**

Reliance General Insurance Co. Ltd. & others

...**RESPONDENTS**

*Mr Pramod C. Mayure, Advocate for applicants*

*Mr R.H. Dahat & Mr V.P. Raje, Advocates for respondent No.1*

*Mr R.S. Wani, Advocate for respondent No.2.*

**CORAM : SUNIL P. DESHMUKH, J.**

**DATE : 27<sup>th</sup> April 2018**

**ORDER :**

Heard learned Counsel for the parties.

2. This application is moved for withdrawal of amount deposited in this Court pursuant to award passed in Motor Accident Claim Petition No. 45 of 2015 by the Motor Accident Claims Tribunal, Aurangabad, on 15<sup>th</sup> April 2017. Learned Counsel for applicants points out that applicants are widow, children and mother of deceased, who had been only earning source for the family. He had been employed in Government Department having handsome salary. However, all of a sudden he died in motor vehicle accident occurred in 2014 leaving behind

him applicants, who have no source of income for earning livelihood. As such, they require amount for their day to day expenses, maintenance, medical treatment and expenses etc. Learned Counsel for applicants submits that applicants are in dire need of amount of compensation awarded by the Tribunal and deposited in this Court.

3. Learned Counsel for the Insurance Company/appellant, however, submits that dispute is with regard to quantum of compensation granted. The evidence may not be sufficient to bear such huge quantum of compensation awarded by the Tribunal. He, therefore, purports to resist the application.

4. Having regard to aforesaid and particularly to that earning hand of the family had been lost in 2014 and since then except no fault liability amount, no further amount is paid to claimants and as on the date Tribunal's award is in their favour and that there is no particular dispute about need of the amount expressed by applicants, it would be expedient that applicants be allowed to withdraw fifty per cent of the amount deposited in this Court.

5. As such, applicants may withdraw fifty per cent of the

deposited amount in this Court alongwith interest accrued thereon, on condition of furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court that such withdrawal shall abide by final order in the appeal. Copy of undertaking be furnished to learned Counsel for appellant.

6. Such withdrawal shall be subject to the same treatment as directed in operative part of the Award by the Tribunal in Motor Accident Claim Petition No. 45 of 2015. Copies of fixed deposit receipts be furnished to the Court.

7. Civil Application is, accordingly, disposed of in above terms.

**( SUNIL P. DESHMUKH )  
JUDGE.**

*Madkar*