IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11589 OF 2018
(Sumitra Taterao Shengule and others Vs. Fajil Sakhioddin Faurkhi and another)

Mr.S.P.Katneshwarkar, Advocate for the petitioners.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 25/10/2018

PER COURT :

1. This matter was heard extensively on 17/10/2018 and the following order was passed by this Court :-

"1. I have heard the learned Advocate for the petitioners at length. After considering the issue involved in this case, I am inclined to reduce the fixed deposit receipt from Rs.1,75,000/- to Rs.1,25,000/- in case of petitioner No.1. Similarly, Rs.1,00,000/- can be invested in Fixed Deposit Receipts instead of Rs.1,50,000/- with regard to petitioner No.5 subject to the condition that he would file an affidavit in this Court that he is also putting forth his prayer for releasing of more funds for his medical treatment.

2. I have noted that petitioner No.1 widow would be getting an interest of Rs.2,00,000/- lumpsum and would also be drawing interest on the amount of Rs.6,00,000/- that would be invested in the Fixed Deposit receipts with regard to the 3 minor children.

3. Stand over to 25/10/2018 for passing orders subject to *filing of the affidavit of petitioner No.5."*

2. Learned Advocate for the petitioners has tendered a copy of the affidavit filed by petitioner No.5 Deorao from page Nos.37 to 41.

3. Considering the above, the impugned order dated 24/08/2018 shall stand modified only with regard to petitioner No.1 and petitioner No.5 to the extent of the directions of the Motor Accident Claims Tribunal dated 16/12/2017 in MACT Application No.51/2013 as under :-

[a] An amount of Rs.1,25,000/- shall be invested in the fixed deposit and consequentially petitioner No.1 would be entitled for an amount of Rs.50,000/- more considering the direction in clause 5(A)(a) and Rs.1,25,000/- with accrued interest shall be invested in Fixed Deposit Receipt for the period of 6 years.

[b] Accrued interest, if any, shall be added to the amount of the FDR, to be invested.

[c] Petitioner No.5 shall get an additional amount of Rs.50,000/- by modifying the order at clause 5(A)(b) and thus an amount of Rs.1,00,000/- would be invested in FDR alongwith accrued interest till today.

4. This petition is partly allowed in view of the above directions.

(Ravindra V.Ghuge, J.)