

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 993 OF 2020 IN
CIVIL APPLICATION NO. 9789 OF 2019 IN
FIRST APPEAL (ST.) NO. 25233 OF 2019

SAVITA ASHISHKUMAR SHRISUNDER AND OTHERS
VERSUS
SUDHAKAR UTTAMRAO KHARAT AND OTHERS

...
Mr. Rahmat Ali Syed, Advocate for applicants
Mr. V.N. Upadhye, Advocate for respondent no. 3
...

CORAM : SUNIL P. DESHMUKH &
B.U. DEBADWAR, JJ.
DATE : 14-02-2020

ORDER :

1. Heard learned counsel for the appearing parties.
2. The sole bread earner from the family died in accident. It is being referred to that the Motor Accident Claims Tribunal had partially gauged income of deceased. All the claimants were dependents on the income of deceased. He was earning around ₹ 1 Lakh per month and his income would have enhanced in due course of time. The Motor Accident Claims Tribunal has not acceded to claims made by claimants and had granted the claim only partly. The bereaved family is without any income source. Several liabilities have been incurred and several duties are to be

performed. Children would be required to be educated and applicants no. 4 and 5 require frequent medical attention.

3. Having regard to that veracity of contents of application has not been overcome by appellant by any plausible and credible reason, we deem it appropriate to let the applicants-claimants to withdraw a sum of ₹ 50,00,000/- (Rs. Fifty Lakh) from the deposited amount in this Court and out of the withdrawn amount, ₹ 10,00,000/- (Rs. Ten Lakh) each be invested in fixed deposit receipts of nationalized bank earning interest for minor claimants – applicants no. 2 and 3. The interest earned therefrom may be withdrawn by the guardian - mother (applicant no. 1 herein) for their welfare. Balance of the amount remaining in this Court, shall be invested in fixed deposit receipt of a nationalized bank.

4. Accordingly, civil application is disposed of, letting withdrawal as aforesaid.

[B.U. DEBADWAR]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

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