

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

WRIT PETITION NO.403 OF 2021

Sow. Radhabai w/o Manikrao Sargar
and another

Petitioners

Versus

Nasir Khan s/o Mohd. Khan & others

Respondents

Mr.P.C.Mayure, advocate for the Petitioners.

CORAM : V.K.JADHAV, J.

DATE : 13th January, 2021.

PC :

1 Heard learned Counsel for the petitioners.

2 The petitioners are original claimants no.2 and 3.
Petitioners are parents of the deceased, who died in a motor
vehicle accident.

3 The learned Member of the Motor Accident Claims
Tribunal, Parbhani, has partly allowed the Claim Petition filed by
the petitioners and widow of the deceased and thereby directed
the respondents to pay jointly and severally to the claimants an
amount of Rs.13,11,000/-, including no fault liability, together
with interest @ 8% p.a. The learned Member of the Tribunal has

also directed that on deposit of the above amount, an amount of Rs.4,00,000/- each be deposited in the name of claimants in fixed deposit in any of the Nationalised Bank for the period of five years and they shall be entitled to receive monthly interest accrued thereon.

4 The learned Counsel for the petitioners submits that presently, petitioner no.1 – Radhabai is aged about 45 years and petitioner no.2 – Manikrao is aged about 50 years. They have no independent source of income. They are entirely depending upon the income from agriculture, which is uncertain. The learned Counsel placed reliance on the judgment of the Hon'ble Supreme Court in the case of **A.V.Padma & others Vs. R. Venugopal & others**, reported in (2012) 3 SCC 378, wherein in paragraph no.5, the Hon'ble Supreme Court has observed that, *the Tribunals are often taking a very rigid stand and are mechanically ordering in almost all cases that the amount of compensation shall be invested in long term fixed deposit.* Further, by referring to the guidelines in this regard, the Hon'ble Supreme Court has observed that, *the said guidelines are issued by this Court only to safeguard interests of the claimants, particularly the minors, illiterates and others, whose amounts are sought to be withdrawn on some fictitious grounds.*

5 In view of the same, petitioners are permitted to withdraw an amount of Rs.2,00,000/- (Rs. Two lakhs) each, which was directed to be deposited in fixed deposit in any Nationalised Bank along with accrued interest, if any. Furthermore, petitioners are entitled to renew the request for withdrawal of remaining amount after a period of one year from the date of this order.

6 Writ Petition is accordingly disposed of.

(V.K.JADHAV)
JUDGE

adb