

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

15. CIVIL APPLICATION NO.1008 OF 2021
IN FAST/19573/2015
WITH CA/9358/2015 IN FAST/19573/2015
WITH CA/9357/2015 IN FAST/19573/2015

VISHAL ARUN AVHAD AND OTHERS
VERSUS
NEW INDIA ASSURANCE CO. LTD.
THROUGH ITS DIVISIONAL MANAGER, AHMEDNAGAR AND ANOTHER

Mr. A.P. Avhad, Advocate for applicant
Mr. S.S. Dargad, Advocate, h/f. Mr. S.G. Chapalgaonkar, Advocate
for Respt. No.1

CORAM : N.J. JAMADAR, J.

DATE : 8th March, 2021

ORDER :

1. This application is preferred by the applicants-original claimants to withdraw the balance amount, which has been deposited towards compensation in terms of the judgment and award dated 12th March 2015 passed by the Motor Accident Claims Tribunal, Ahmednagar.

2. By an order dated 3rd February 2017, this Court had permitted applicants No. 3 & 4 to withdraw amount of Rs. 10,00,000/- in the ratio of 75% and 25%, respectively, on submitting undertaking to the satisfaction of the Registrar (Judicial).

In the application, it is averred that applicant No.1, whom compensation of Rs. 3,00,000/- was ordered to be paid, has since attained the majority and the applicants are in need of money as the deceased was the sole bread winner of the family.

3. The learned Counsel for respondent No.1 resisted the prayer. It was submitted that the vehicle, which was insured with respondent No.1, was not at all involved in the accident.

4. It would suffice to note that this Court had considered the submissions on behalf of respondent No.1 while permitting applicants No. 3 & 4 to withdraw portions of the amount of compensation. It was inter-alia held that it would be considered at the time of final hearing of the original appeal. In the circumstances of the case, having regard to the fact that respondent No.1 has deposited Rs. 27,84,233/- towards the compensation and applicant No.1 has attained the majority and the applicants would require funds to meet necessities of life, in my considered view, the applicants can be permitted to withdraw a further sum of Rs. 5,00,000/- (Rs. Five lacs only), subject to the undertaking to be furnished to the satisfaction of the Registrar (Judicial) of this Court. Hence the following order.

O R D E R

(I) The application is partly allowed.

(II) Applicant No.1 Vishal Arun Avahd is permitted to withdraw a sum of Rs. 3,00,000/- (Rs. Three lacs only), applicant No.3 Suman W/o Arun Avhad is permitted to withdraw a sum of Rs, 200,000/- (Rs. Two lacs only), subject to furnishing separate undertakings to bring back the amount in the event it is held that they are not entitled to receive the compensation, to the satisfaction of the learned Registrar (Judicial) of this Court.

(III) Application accordingly stands disposed of.

(N.J. JAMADAR)
JUDGE

Madkar