

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

935 CIVIL APPLICATION NO.10125 OF 2022
IN FIRST APPEAL NO.209 OF 2021

MANISHA SOPAN BIRARI & OTHERS
VERSUS
THE UNITED INDIA INSURANCE CO. LTD. DHULE &
OTHERS

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Advocate for the applicants : Mr.A.S.Sawant
Advocate for Respondent no.1 : Mr.Mohit R.Deshmukh

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CORAM : S.G.DIGE, J.

DATE : 21.07.2022

P.C. :

1] Heard the learned counsel for the applicants and learned counsel for respondent no.1.

2] The learned counsel for the applicants submits that respondent no.1 has challenged the order passed by the Motor Accident Claims Tribunal, Dhule. Respondent no.1 has deposited the entire award amount before this Court. The deceased was the husband of applicant no.1. He was the karta of the family. After his death, there is no source of income to the applicants. The applicant nos. 2 and 3 are taking education. The amount is needed for education of

applicant nos.2 and 3 as well as for daily business of the applicants, hence, requested to allow the application.

3] The learned counsel for respondent no. 1 strongly objected to allow the application on the ground that the learned Tribunal has awarded higher side compensation. The driver was not holding valid license, hence, respondent no.1 is not liable to pay any compensation, hence, requested to dismiss the application.

4] I have heard both learned counsel. Admittedly, husband of applicant no.1, father of applicant nos.2 and 3 is died in the accident. The issue of quantum and liability of paying compensation can be decided at the time of final hearing. As the applicants are needed money for education of applicant nos.2 and 3 as well as for daily activities, hence, I pass the following order :

ORDER

i] The application is allowed.

ii] The applicants are permitted to withdraw 50% amount out of deposited amount along with accrued interest thereon. The applicants shall file undertaking before the learned Registrar [Judicial] of this Court.

iii] Civil Application is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC