

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

937 CIVIL APPLICATION NO.10487 OF 2022
IN FIRST APPEAL NO.543 OF 2022

SATISH S/O.SOMINATH UMAK & OTHERS
VERSUS
SYED LATIF S/O SYED ALI & ANOTHER

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Advocate for the applicants : Mr.Mohit R.Deshmukh
Advocate for Respondent no.2 : Mr.B.S.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 respondents.

2] The learned counsel for the applicant submits
that respondent no.2 has challenged the order passed by the
Motor Accident Claims Tribunal, Aurangabad. Respondent
no.2 has deposited the entire award amount before the
learned Motor Accident Claims Tribunal, Aurangabad. The
applicants have lost their parents. In the said accident, there
is no one to look after the applicants. The applicants had
not received any amount. The applicants are facing great
hardship and difficulties in day to day life. The amount is

required for education of the applicant nos.2 and 3. Applicant no.1 is not able to pursue his education. Due to financial difficulties, the applicants had obtained hand loan from their relatives. After demise of the parents of the applicants, the said amount is needed to be repaid, hence, requested to allow the application.

3] The learned counsel for respondent no.2 strongly objected for withdrawal of the amount on the ground that if respondent no.2 succeeds in the appeal, it would be difficult for respondent no.2 to recover the amount if the amount is withdrawn by the applicants.

4] I have heard both learned counsel. The applicants have lost their parents in the accident. There is no one to look after them. They need money for day to day activities and education, hence, I pass the following order:-

ORDER

i] The applicants are permitted to withdraw 50% amount along with accrued interest thereon out of

deposited amount. The applicants shall furnish undertaking before the learned Tribunal.

ii] Civil Application is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC