

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10831 OF 2022
IN FIRST APPEAL NO. 115 OF 2022

BHAGYASHRI W/O RAOSAHEB MONDHE AND OTHERS
VERSUS
KISHOR MOHAN DHANNE AND OTHERS

...
Advocate for Applicants : Mr. M.R. Deshmukh
Advocate for Respondent Nos.7 and 9 : Mr. A.A. Kokad
Advocate for Respondent No.4 : Mr. S.S. Rathie
....

CORAM : S.G. DIGE, J.
DATE : 25th July, 2022

ORDER :

. Heard learned Counsel for applicants.

2. Learned Counsel for applicant submits that, respondent No.4 has deposited the amount before this Court as per the order of Motor Accident Claims Tribunal, Beed. Applicant No.1 is widow of deceased Raosaheb Mondhe and applicant Nos.5 and 6 are mother and father respectively. Deceased Raosaheb Mondhe was the only Karta of his family. Applicants have no source of income.

Due to outbreak of Covid-19 pandemic and non-availability of work after demise of deceased, applicants have no means to earn livelihood. Hence, applicants be permitted to withdraw the amount deposited by respondent No.4.

3. Learned Counsel for respondent No.4 submits that, respondent No.4 has raised various grounds in appeal one of the ground is that, there is delay of five (5) days for filing first information report. After accident both the vehicles were lying on the highway for long period. It is observed by Motor Inspector that, there is no damage to the vehicle involved in the accident with truck. If applicants are permitted to withdraw the amount then it would be difficult to respondent No.4 to recover the amount, if respondent No.4 succeeds in the appeal. Hence, requested to dismiss the application.

4. I have heard both the learned Counsel.

5. Admittedly, the husband of applicant No.1 is died in the accident. Grounds raised in the appeal can be

considered at the time of final hearing of the appeal. The amount is required for day to day activities of the applicants. The amount is needed for education of applicant Nos.2 to 4 and medical expenses of applicant Nos.5 and 6. Hence, I pass the following order :

ORDER

- a) The application is allowed.
- b) Applicants Nos.1, 5 and 6 are permitted to withdraw the deposited amount as per the order passed by learned Motor Accident Claims Tribunal, Beed, along-with accrued interest thereon by furnishing usual undertaking before the learned Registrar (Judicial).
- c) The Civil Application is disposed of.

[S.G. DIGE, J.]