

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

946 CIVIL APPLICATION NO.12664 OF 2022
IN FA/44/2022

ASMITA SHARAD SHINDE & OTHERS
VERSUS
SUBHASH TUKARAM BHUJADI & ANOTHER

...

Advocate for the applicants : Mr.Shaikh Mazhar A.
Jahagirdar

Advocate for Respondent No.2 : Mr.S.S.Dargad h/f.
Mr.S.G.Chapalgaonkar

...

CORAM : S.G.DIGE, J.

DATE : 07.09.2022

P.C. :

1] Heard the learned counsel for the applicants and the learned counsel for respondent no.2.

2] The learned counsel for the applicants submits that the deceased was the Karta of the applicants' family. Applicant no.1 is the widow of deceased Sharad. The applicant no.1 is living with her two daughters and they have no source of income. There is need of money for the bread and butter of their family. The money is required for the education of applicant nos.2 and 3 as well as for medical treatment of applicant no.4, hence, requested to allow the application.

3] The learned counsel for respondent no.2 submits that respondent no.2 has challenged the impugned order of the Tribunal on various grounds. One of the ground is that the false involvement of the vehicle. The FIR is lodged after three days of the accident though death of deceased occurred on the same day. The notional income of the deceased is considered on higher side. There was no renewal of registration of the vehicle within stipulated time. If the applicants are permitted to withdraw the amount and respondent no.2 succeeds in the appeal, it would be difficult for respondent no.2 to recover the amount, hence, requested to dismiss the application.

4] I have heard both learned counsel. The deceased was the karta of applicants' family. The applicants needed amount for education of applicant nos.2 and 3 as well as for daily expenses. The amount is also required for medical treatment of applicant no.4. 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 on furnishing undertaking.

iii] Civil Application is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC