

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

**931 CIVIL APPLICATION NO.1424 OF 2023
IN FA/3829/2022**

**USHA RAJU CHAVAN AND OTHERS
VERSUS
SOMINATH KARBHARI WAHULE**

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Mr. N.Y. Kingaonkar, Advocate for the applicants.
Mr. U.L. Telgaonkar, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 08.02.2023.

ORDER:-

1. Heard rival submissions. The applicants are seeking withdrawal of the entire compensation amount alongwith interest accrued thereon as deposited by the respondent i.e. driver and owner of offending motorcycle. The learned Counsel for the respondent strongly opposed the application on the ground that the accident took place due to negligent act of deceased only and in fact there was no involvement of the offending motorcycle in the accident since the F.I.R. in respect of the accident was lodged after about 30 days.

2. However, on going through the impugned judgment it appears that the respondent has failed to prove his aforesaid contentions. Moreover, the respondent has deposited only

50% of the compensation amount. The learned Tribunal has given 10% of the compensation amount to applicant Nos.6 and 7 who are the parents of the deceased and 50% to the applicant No.1 i.e. widow of the deceased. The remaining applicants are the children of deceased and three out of them are still minor. Considering this aspect, the applicant No.1 is permitted to withdraw 40% of the deposited amount of compensation i.e. 40% of her share and the applicant Nos.6 and 7 are permitted to withdraw the remaining 10% amount of compensation being their share by furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.

3. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)