



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**913 CIVIL APPLICATION NO. 12237 OF 2024
IN FAST/12054/2024**

SUNANDA VIKAS WAGHULDE THROUGH LRS TEJAS VIKAS
WAGHULDE AND OTHERS

VERSUS

NEW INDIA ASSURANCE CO LTD COMPANY LTD AND ORS

...

Advocate for Applicants: Mr. Amol Subhash Gandhi.

Advocate for Respondent No.1 : Mr. M. R. Deshmukh.

...

AND

CIVIL APPLICATION NO. 6287 OF 2024
IN FAST/12054/2024

AND

CIVIL APPLICATION NO. 6288 OF 2024
IN FAST/12054/2024

AND

**CIVIL APPLICATION NO. 12241 OF 2024
IN FAST/12015/2024**

TEJAS VIKAS WAGHULDE AND OTHERS

VERSUS

NEW INDIA ASSURANCE CO LTD COMPANY LTD AND ORS

...

Advocate for Applicants : Mr. Amol Subhash Gandhi.

Advocate for Respondent No.1 : Mr. M. R. Deshmukh.

...

AND

CIVIL APPLICATION NO. 4996 OF 2024
IN FAST/12015/2024

AND

CIVIL APPLICATION NO. 4997 OF 2024
IN FAST/12015/2024

...

CORAM : **KISHORE C. SANT, J.**

DATE : 21st November, 2024.

P.C.:

. Heard the learned counsels for the parties for some time.

CIVIL APPLICATION NO. 12237 OF 2024

2 This application is for withdrawal of the amount deposited by the appellant in the office of learned Motor Accident Claims Tribunal, Ahmednagar alongwith interest. It is an injury claim. It is stated that applicant No.1 is bedridden and she has filed the application through her next friend i.e. her son namely Tejas Vikas Waghulde.

3 The application is opposed by submitting that the appeal is filed on the ground of quantum. Taking into consideration, the following order is passed:

ORDER

- I. The application is partly allowed.
- II. For the purpose of disbursal of the amount, the amount be transferred to the office of learned Motor Accident Claims Tribunal, Ahmednagar alongwith interest.
- III. The applicant is permitted to withdraw 60% of the amount alongwith accrued interest on furnishing undertaking that in case the appeal is decided against the applicant, she shall re-deposit the amount within twelve weeks from the date of such judgment.
- IV. In view of the peculiar facts, the undertaking of the

next friend of the applicant i.e. Tejas Vikas Waghulde be accepted by Motor Accident Claims Tribunal, Ahmednagar.

CIVIL APPLICATION NO. 12241 OF 2024

4 This application is for withdrawal of the amount deposited by the appellant towards compensation.

5 The applicants had filed claim petition as late Vikas Waghulde i.e. husband of applicant No.1 and father of applicant Nos.2 and 3 died in the accident.

6 The application is opposed stating that the ground of quantum is taken in the appeal. The amount is deposited in the Motor Accident Claims Tribunal, Ahmednagar. In view of the same, the following order is passed:

ORDER

- I. The Motor Accident Claims Tribunal, Ahmednagar to allow the applicants to withdraw the amount of 60% of their share alongwith accrued interest on furnishing undertaking that in case the appeal is decided against the present applicants, they shall re-deposit the amount within twelve weeks from the date of such judgment.
- II. The amount to the extent of applicant No.1 is allowed to be withdrawn by applicant No.2 Tejas Vikas

Waghulde and for that purpose undertaking executed by him on behalf of applicant No.1 be accepted.

Applications for Stay:

7 Since the amount of compensation is already deposited, there shall be stay to the impugned judgment and orders till disposal of the appeals. The applications stand disposed of.

Appeals:

8 The parties are willing to go for settlement. In view of the same, office to place the appeals before the next Lok-Adalat.

[KISHORE C. SANT, J.]

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