



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

907 WRIT PETITION NO. 8275 OF 2024

ASHVINI RAJU LAHANE AND OTHERS

VERSUS

**SHARDA CONSTRUCTION AND PVT LTD THROUGH
TIS PROP SUMMER MORGE AND ANOTHER**

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Advocate for the petitioners : Mr.V.D.Patnurkar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 13.08.2024

P.C. :

1] By the present petition, the petitioners are challenging the impugned judgment and order dated 02.05.2024 passed by the Motor Accident Claims Tribunal, Nanded below Exh.6 in MACP No.273/2019.

2] On 20.07.2019, the petitioners have filed Claim Petition before the Motor Accidents Claim Tribunal and the Tribunal, by order dated 05.03.2024 directed that an amount of Rs.7,15,000/- along with interest be deposited in the name of the claimant no.1. Thereafter, on 01.04.2024, the petitioners filed an application before the Tribunal, seeking permission to withdraw the amount of

Rs.5,00,000/-, which is kept in Fixed Deposit, by relaxing and modifying the award dated 05.03.2024. In the said application, the petitioners stated that in-laws of the claimant no.1 were suffering from ill health and later on died. The claimant no.1 has incurred expenses for their medical treatment and for their livelihood. For that purpose, the claimant no.1 had taken hand loan from her relatives on higher interest. The claimant no.1 further submits that she needs money for better education of her minor children. The claimant no.1 further stated in the said application that the claimant no.1 needs money for repair of her old house. Thereafter, by order dated 02.05.2024, the Tribunal has rejected the said application on the ground that the claimant no.1 has not produced on record any documents such as how much amount she had taken from which relatives and claimant no.1 has not produced on record medical documents and the documents to show that the said house requires any repairing.

3] The learned counsel for the petitioners submits that the petitioner no.1-claimant no.1 has incurred expenses for their medical treatment and for their livelihood and for that purpose, the claimant no.1 had taken hand loan from her relatives. Considering the said facts, the learned counsel for the petitioner submits that the petitioner no.1 – claimant no.1 may be permitted to withdraw the amount of Rs.5,00,000/-.

4] Considering totality of the facts and circumstances, the petitioner no.1 – claimant no.1 is permitted to withdraw Rs.5,00,000/- along with interest accrued thereon, out of the amount of Rs.7,15,000/-, which are directed to be paid to the claimant no.1 along with accrued interest thereon. There would be no change in the other parts of the impugned order.

5] In view of the above, the present Writ Petition is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE