



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1000 CIVIL APPLICATION NO. 9042 OF 2024
IN FAST/7893/2024

Rubeena Salim Sayyed And Others

VERSUS

Manik Keshavrao Shinde And Another

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Advocate for Applicant : Mr. Kulkarni Sudhir V

Advocate for Respondent 2 : Mr. Swapnil S. Rathi

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : August 23, 2024

PER COURT :-

1. The applicants seeks withdrawal of the amount deposited by the respondent-insurance company in pursuance of the award passed by the Motor accident Claims Tribunal under the provisions of section 166 of the Motor Vehicles Act.

2. Mr. Kulkarni, learned advocate appearing for the applicants submits that applicants have lost bread winner of the family. Applicants are in need of money. The Tribunal, after considering relevant aspects of the matter, passed award in favour of the claimants. Therefore, he urges to release the amount.

3. Mr. Rathi, learned advocate appearing for the respondent/Insurance Company vehemently opposed the prayers. However, he submits that, at the most the amount as admitted by the Insurance company, which is approximately 16 Lakhs may be released.

4. It appears that there is no dispute that deceased lost life in the motor vehicular accident involving the insured vehicle. The appeal is filed merely on the ground of quantum. The Tribunal relied upon evidence of the employer of the deceased to certain extent and on subjective assessment of the evidence passed award in favour of the claimants.

5. Considering submissions advanced and reasons as stated in judgment of the Tribunal, compensation amount falling to share of applicant nos.1 and 6 alongwith accrued interest be released to the applicants. The amount falling to share of the minor be kept in Fixed Deposit in any Nationalized Bank with liberty to the applicants to make an application seeking withdrawal in case such exigency arises.

(S. G. CHAPALGAONKAR, J.)

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