

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12548 OF 2024

Jugnibai Appa Solanki & Ors. Petitioners

V/s.

United India Insurance Co. Ltd. Respondents

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KAMBLE

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Mr.Rajan S. Pawar, for the Petitioners.

CORAM : R.M. JOSHI, J.

DATE : 19th SEPTEMBER 2024

P.C:-

. This Petition takes exception to the order dated 22nd March 2024 passed by the Member MACT, Malegaon in Miscellaneous Application No.3 of 2024.

2. Though the Petitioners have joined Insurance Company as party Respondent to the Petition, however, any order passed herein would not adversely affect this Respondent. Hence notice is dispensed with.

3. The Petitioners are Claimants in MACP No.96 of 2021. This claim was compromised in Lok-adalat on 9th September 2023 and award came to be passed. Pursuant to the

said award the 50% amount of proportionate compensation was allowed to be withdrawn by the Petitioners and the remaining 50% was kept in the Fixed Deposit for the period of three years. The Petitioner moved an Application before the Tribunal for seeking withdrawal of the entire amount for the reason of carrying out construction of the house. This Application is rejected by the Tribunal by passing impugned order observing that it is Petitioners are illiterate and it is not in their interest to present withdrawal of entire amount.

4. The impugned order does not take into consideration the reason given by Petitioners for the withdrawal of the amount. The learned counsel for the Petitioner has drawn attention of the Court to the dwelling house of the Petitioner indicating that claim of Petitioners of need to construct house is genuine. He placed photo copies on record indicating the condition of the house.

5. The Petitioners are major, they have set out reasonable ground for withdrawal of the amount. The said amounts being property of the Petitioners and being major they

are at liberty to utilize the same as per their wish. Hence, impugned order is interfered with Miscellaneous Application No.3 of 2024 stands allowed. The Petitioners are permitted to withdraw the amount as prayed.

6. The Petition stands allowed in above terms.
7. All pending Civil/Interim Applications are disposed of.

(R.M. JOSHI, J.)