



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

60 CIVIL APPLICATION NO. 2520 OF 2025
IN FA/1377/2024

Ranjana Ashok Naikwade And Another
VERSUS
Bharat Ankush Shinde And Another

...
Advocate for Applicant : Mr. Shaikh Sohail Yusuf & Shaikh
Mazhar A Jahagirdar
Advocate for Respondent 2 : Mr. Pratap Pravin Mandlik

...
WITH
CIVIL APPLICATION NO. 6025 OF 2024 IN FA/1377/2024

CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 07, 2025

ORDER :-

Application for Withdrawal of the amount :-

1. Heard learned advocate appearing for the applicant. He seeks permission to delete name of applicant no.2 and restricts his prayer for applicant no.1.

2. The applicant is claimant in MACP No.282 of 2019 that was instituted seeking compensation under section 166 of the Motor Vehicles Act towards accidental death of deceased Omkar.

3. The Tribunal, on evaluation of the evidence allowed the claim petition and directed respondent nos.1 and 2 to jointly and severally pay compensation of RS.25,59,790/- to the claimant no.1 alongwith interest @ 6% p.a. In pursuance to

the award Insurance Company has deposited entire awarded amount in this appeal.

4. Respondent/insurer assails the award mainly on the ground that employer of the deceased had already compensated the claimants to the extent of Rs.5.00 Lakh and that amount is not considered by the Tribunal while assessing the compensation. It is apparent that there is no dispute as regards to entitlement of the claimants to receive compensation. Therefore, the claimant is certainly entitled for partial withdrawal of the amount. In the result, the application is allowed. The applicant no.1 is permitted to withdraw 70% compensation amount as deposited by the Insurance Company alongwith accrued interest thereon subject to condition that the applicant files an undertaking to the satisfaction of the Registrar (Judicial) of this Court that she would re-deposit the amount, in case adverse order is passed in appeal. CA stands **disposed of.**

Stay application :-

5. Mr Mandalik learned advocate appearing for the appellant/applicant submits that entire amount as per award passed by the Tribunal is deposited. His statement is supported by office endorsement. Hence, the application is allowed in terms of prayer clause 'B' and 'C' and disposed off.

6. Place first appeal for admission after two weeks.

(S. G. CHAPALGAONKAR)
Judge

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