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

**911 CIVIL APPLICATION NO. 5501 OF 2025
IN FA/2283/2015**

GOKUL S/O NAVNATH JADHAV

....Applicant

VERSUS

UNITED INDIA INSURANCE CO. LTD. THR ITS DIV. MANAGER

.....Respondent

Mr. R. T. Wakale, Advocate for the applicant

Mr. Anand Dale, Advocate h/f Mr. S. S. Rathi, Advocate for the respondent

CORAM : KISHORE C. SANT, J.

DATE : 07th AUGUST, 2025

P. C.

1. Heard the learned advocate for the parties.

2. This application is by the original claimant in the MACP for withdrawal of the amount of his share i.e. @ Rs.1,74,197/- with interest. The appeal is filed by the insurance company challenging the judgment and award dated 10-06-2015 passed by the learned MACT, Beed in MACP No.131/2010. While granting stay, this court has directed to deposit the entire

amount of compensation in the office of this court which is already deposited. Other claimants had approached this court seeking permission to withdraw the amount of their extent. Those applications were allowed by this court. The present applicant was minor at that time. Therefore, his application was not considered. Now the applicant has become major and therefore has filed this application.

3. The application is vehemently opposed by the appellant. He submits that if entire amount is withdrawn, it would be difficult to recover the said amount. Already this court has allowed other applicants to withdraw the amount to their extent.

4. This court by order dated 22-07-2016 allowed the applicants Nos. 1 and 5 therein to withdraw the amount of their share on furnishing undertaking. This court by order dated 29-04-2024 further allowed the applicant Nos. 2 to 4 to withdraw the amount as they become major by that time. By order dated

16-01-2023 in CA/563/2023 this court modified the order dated 29-04-2022 by correcting the name. In the said order it is stated that the present applicant was minor and therefore he was granted liberty to apply after he attains majority. Thus, it was seen that only difficulty expressed by the court was that the present applicant was minor at that time.

5. When this court finds that all other claimants have withdrawn the amount of their share, it would not be just and fair only to refuse the present applicant to withdraw the amount of his share. Thus, the present application is allowed. The applicant is allowed to withdraw the amount of his share laying in the office of this court alongwith interest accrued thereon, on furnishing undertaking to the satisfaction of the learned Registrar (Judicial) of this court.

6. With this, the application stands disposed off.

[KISHORE C. SANT, J.]