



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

**916 CIVIL APPLICATION NO. 5409 OF 2025
IN FA/5121/2017**

Madhukar Mukindrao Dugane And Ors

.... Applicants

VERSUS

Dhondiba Dattarao Dudhate

..... Respondent

.....

Mr. Mayure Pramod C., Advocate for Applicants

Mr. M. M. Parghane, Advocate for the Respondent

.....

CORAM : NEERAJ P. DHOTE, J.

DATE : 07.05.2025

PER COURT :

1. This is an Application by the Original Claimants in Motor Accident Claim Petition No.418/2008, decided by the learned Tribunal, Parbhani, vide Judgment and Award dated 20/02/2017, for withdrawal of the amount deposited by the Appellant in this Court.

2. The learned Advocate for the Applicants - Claimants submits that, son of the Applicants / Claimants died in a motor vehicular accident and the learned Tribunal has fastened the liability on the Appellant and the Driver of offending vehicle. He submits that, the Applicants have not received a single pie till date and the Appeal is not ready for final hearing. He submits that, the Appellant has deposited Rs.3,00,000/- before this Court and the Applicants may be allowed to withdraw the same amount on furnishing regular undertaking.

3. The Application is opposed by the learned Advocate for the Appellant. He submits that, the Appellant has deposited Rs.3,00,000/- before this Court and Rs.2,00,000/- before the learned Tribunal. He submits that, the Application may be rejected.

4. The total compensation awarded by the learned Reference Court is Rs.5,00,000/- and according to the learned Advocates for the parties, the amount along with interest comes to Rs.11,00,000/- and odd. There is no dispute that, this is an Application for withdrawal of the amount. The impugned Award came to be passed in February – 2017.

5. In this view of the matter, the Applicants are allowed to withdraw Rs.3,00,000/- [Rupees Three Lakhs] deposited by the Appellant in the Office of this Court along with interest accrued thereon on furnishing regular undertaking before the Registrar [Judicial] of this Court.

6. Civil Application stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/May-2025