



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

CIVIL APPLICATION NO. 6912 OF 2025 IN FA/2029/2022

Roshani Nivrutti Mahajan

Age: 19 years, Occu.: Education,

R/o. Pimprala, Jalgaon,

Tal.Jalgaon, Dist.Jalgaon.

..Applicant

Versus

1. Mukhi Bulk Couriers

R/o. Pipavav Port, Taluka – Rajula,
District Amreli.

2. The New India Insurance Co. Ltd.,

The Branch Manager, Near Ambedkar Market,
Dadhiwala Bungalow, Jalgaon, District Jalgaon.

..Respondents

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Advocate for Applicant : Mr. Jitendra Vijay Patil

Advocate for Respondent no.2 : Mr.M.R. Deshmukh

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 10 JULY, 2025

PRONOUNCED ON : 14 JULY, 2025

ORDER :-

1. Heard.

2. It is submitted that respondent no.2 Insurance Company herein has questioned judgment and order passed in MACP No.349 of 2016 dated 09-02-2022 passed by learned Member,

Motor Accident Claims Tribunal (MACT), Jalgaon by filing First Appeal bearing No.2029 of 2022. That, in the said appeal, there were directions of this Court to deposit the entire amount of compensation. At the time of decision of the Motor Accident Claims Tribunal, petitioner nos.2 Pranav and 3 Roshani were minor. Consequently, original petitioner nos.1, 4 and 5 had preferred application for withdrawal of amount and this Court vide order dated 11-08-2023 granted permission to withdraw the amount to the extent of their shares. Even petitioner no.2 Pranav, after attaining majority, filed application for withdrawal of amount and the said petitioner no.2 was permitted to withdraw the amount to the extent of his share.

It is further submitted that present applicant is student and she need money for her further education. Therefore, learned counsel seeks permission to withdraw the entire amount deposited by Insurance Company alongwith interest accrued thereon, to the extent of her share.

3. Learned counsel for respondent Insurance Company objected for withdrawal of amount.

4. After hearing submissions of both the sides, it seems that MACP No.349 of 2016 was preferred by petitioners before MACT, Jalgaon on account of accidental death of Nivruti Vikram Mahajan. Applicant is one of the legal heirs. It seems that learned Tribunal awarded compensation by judgment and order dated 09-02-2022 awarding Rs.12,38,625/- alongwith 7.5% interest. Awarded amount is said to be deposited. Statement is made across the bar that other legal heirs have already withdrawn their share, but present applicant, being a minor at that time, her amount was not withdrawn. Now she needs funds for her further education. There is no dispute that said judgment is assailed by respondent no.2 Insurance Company by filing appeal and the same is already numbered as First Appeal No.2029 of 2022 and is still *sub judice*. However, in view of above urgency of funds, though there is objection of respondent no.2 Insurance Company, prayers for withdrawal of amount are required to be allowed. Therefore, following order is passed :

ORDER

(I) Application is allowed.

(II) The compensation amount falling to the share of applicant along with accrued interest thereon till date, is permitted to be withdrawn on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

(III) Application is disposed of.

(**ABHAY S. WAGHWASE**)
JUDGE