



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

968 CIVIL APPLICATION NO. 7780 OF 2025
IN FAST/35155/2023

LATABAI W/O SHANTARAM DESHMUKH AND ANR

VERSUS

MANAGER CHOLAMANDALAM GENERAL INSURANCE CO LTD AND
ORS

...

Mr. Gulab Balbhim Rajale, Advocate for Applicants

Mr. Abhijit Choudhari, Advocate for Respondent No.1

Mr. K. N. Shermale, Advocate for Respondent Nos.2 to 4

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 19th SEPTEMBER 2025

PER COURT :-

1. This Civil Application is filed for permission to withdraw the amount deposited in the learned Tribunal pursuant to the judgment and award dated 22.12.2022, passed by the learned Member, Motor Accident Claims Tribunal, Sangamner, Dist. Ahmednagar, in M.A.C.P. No.24/2015.

2. Mr. Rajale, learned counsel for the applicants submits that the claim was filed by the widow and children of deceased, Dilip Deshmukh, against the owner and insurer of Tempo bearing No.MH-14-BJ-4315. That, the present applicants who are parents of deceased Dilip Deshmukh were arrayed as respondent nos.3 and 4 in the claim petition. After deciding both the entitlement of the original claimants as well as that of the present applicants, learned Tribunal held that the present

applicants are entitled for Rs.2,00,000/- each out the entire awarded amount. Mr. Rajale, learned counsel for the applicants places reliance on the order dated 19th April 2024 by this Court in Civil Application No.3571 of 2024 in the present appeal. Vide the said order, this Court has permitted the original claimant nos.1 to 3 to withdraw 60% of the award amount apportioned to their respective shares. Relying on this, Mr. Rajale, learned counsel for the applicants prays that an identical order be passed in the present Civil application for the present applicants, since the defence or objections/grounds in the appeal are common to them as well.

3. Mr. Choudhari, learned counsel for the respondent/Insurance Company, in all fairness, agrees with this.

4. In view of the above, I pass following order :-

ORDER

- a. Civil Application is partly allowed.
- b. Applicants are permitted to withdraw 60% of their share out of the amount deposited in the learned Tribunal, by furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. Civil Application stands disposed of.

[AJIT B. KADETHANKAR, J.]