



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

980 CIVIL APPLICATION NO. 8792 OF 2025
IN FA/3184/2023

SONALI PRAVIN KHARAT AND OTHERS

VERSUS

THE DIVISIONAL MANAGER UNITED INDIA INSURANCE CO AND ORS

...

Mr. B. V. Dhage, Advocate for Applicants

Mr. S. S. Rathi, Advocate for Respondent No.1

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 10th SEPTEMBER 2025

PER COURT :-

1. This Civil Application is filed by the applicants for withdrawal of the amount deposited by the respondent/Insurance Company in this Court pursuant to the judgment and award dated 20.04.2023, passed by the Hon'ble Motor Accident Claims Tribunal, Aurangabad, in M.A.C.P. No.13 of 2020.

2. The applicants are the dependents of deceased Pravin, who at the age of 29 years, succumbed to injuries in a vehicle accident on 23rd November 2019. The applicants filed M.A.C.P. No.13 of 2020 before the learned Chairman, Motor Accidents Claims Tribunal, Aurangabad. Vide Judgment and award dated 28th April 2023, learned Tribunal partly allowed the petition and granted compensation of Rs.13,07,400/- to the

applicants. The judgment and award (supra) has been carried in the appeal by original respondent no.3/Insurance Company raising objection on the findings of the learned Tribunal as to involvement of the insured vehicle in the accident.

3. The record reveals that by order dated 9th February 2024, this Court permitted the applicants to withdraw an amount of Rs.10,00,000/-. The order directed that Rs.2,50,000/- each be deposited in fixed deposit in the name of the minor applicant nos.2 and 3 until they attain majority. Rs. 2,50,000/- to be deposited in the fixed deposit for a period of 5 years in the name of applicant no.1 and an amount of Rs.2,50,000/- was however made available to applicant no.1 for livelihood. It is also a matter of record that the applicants again filed a Civil Application No.11363 of 2024 for further withdrawal, but this Court, observing that there was no change in the circumstances, rejected the same by order dated 14th November 2024.

4. Now, by the present Civil Application, the applicants again pray for an additional withdrawal, contending that the amount that was made available to applicant no.1 i.e. 2,50,000/- is exhausted in running their livelihood and the applicants require further amount to carry their livelihood.

5. The learned counsel for the respondent/Insurance Company

opposes the Civil Application, relying on this Court's order dated 14th November 2024.

6. Heard both the parties.

7. After having considered the facts and circumstances of the case, I find that although vide first order dated 9th February 2024, withdrawal of Rs.10,00,000/- was directed, but Rs.7,50,000/- remains locked for the applicants. During that, they might be entitled for interest on that 7,50,000/- yet. I am convinced that the applicants will require at least some amount to be withdrawn for their livelihood and also for the educational purpose of applicant nos.2 and 3. Hence I pass the following order :-

ORDER

- a. Civil Application is allowed.
- b. Applicants are permitted to withdraw an amount of Rs.2,50,000/- along with interest accrued thereon 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.]