



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO. 11603 OF 2025
IN FA/478/2015
WITH
CIVIL APPLICATION NO. 5435 OF 2014
IN FA/478/2015

PRATIKSHA D/O SHIVSHANKAR MANGE,
VERSUS
BASHIRKHAN S/O MAHETABKHAN PATHAN AND OTHERS

...
Advocate for Applicant : Mr. Patel Fayaz K.
Advocate for Respondent No. 3 : Mr. S.R. Bodade
...

CORAM : AJIT B. KADETHANKAR, J.
DATE : 17.10.2025

PER COURT :

ORDER ON APPLICATION FOR WITHDRAWAL OF AMOUNT :

1. Being aggrieved by the judgment and award passed on 02.02.2014, by the learned Motor Accident Claims Tribunal, Ahmedpur, in MACP No. 39 of 2012, the original respondent No. 3, Insurance Company has preferred the First Appeal under Section 173 of the Motor Vehicles Act.

2. Pursuant to the order passed by this Court, while granting stay to the execution and operation of the judgment and award in the First Appeal, the appellant Insurance Company has deposited the amount of Rs. 15,50,000/-.

3. Mr. Patil, learned Advocate for the applicant would submit that apparently the awarded amount shall be disbursed to the applicant as mentioned by the learned Tribunal in its operative order. On the earlier occasion also this Court has granted permission to withdraw total amount of Rs. 4,00,000/- to Claimant Nos. 1, 4 and 5. He would further submit that at the relevant time as the Claimant Nos. 2 and 3 were minor, their shares were not allowed to be withdrawn. He would further submit that by the course of time the present applicant i.e. Claimant No. 2 has attended the majority and now she requires amount for her education purpose as well as for her daily needs. Hence she seeks permission to allow her to withdraw the amount falling to her share.

4. Mr. Bodade, learned Advocate for respondent No. 3 would further submit that the Insurance Company has a good case on quantum so that in absence of any cogent reasoning the learned Tribunal has held that the income of the deceased appears extremely higher side. He would further submits that as regards the negligence on the part of deceased needs to be examined on the assessment evidence.

5. Mr. Bodade, would however, fairly agree that since the applicant was minor and now turned to be major and considering the objection of the insurance Company applicants needs to get some compensation and appropriate order would be passed.

6. Considering the arguments advanced by the respective parties, I feel it appropriate to permit the applicant to withdraw amount of Rs. 2,00,000/- (Two Lakhs Only) out of the balance amount deposited by the appellant Insurance Company in this Court.

7. In view of the above, I proceed to pass following order :

ORDER

(a) The Civil Application is partly allowed.

(b) The applicant namely Pratiksha D/o Shivshankar Mange is permitted to withdraw an amount of Rs. 2,00,000/- (Rs. Two Lakhs Only), on executing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

(c) Needless to mention that the amount of Rs. 2,00,000/- shall carry interest accrued thereon.

(d) In above terms the Civil Application is disposed of.

ORDER ON STAY APPLICATION :

1. Mr. Bodade, learned Advocate for the appellant Insurance Company submits that the entire amount payable along with interest is already deposited in this Court. The object of the Civil Application is satisfied. Hence, the stay granted earlier is made absolute.

2. The Civil Application is allowed in terms of prayer Clause (B).

ORDER IN APPEAL :

1. Both the parties shall work out the matter for final hearing on next date.

2. Issue notice to the respondents for final disposal, returnable on 28.11.2025.
3. Mr. Patel, waives service of notice for respondent No. 2.

(AJIT B. KADETHANKAR)
JUDGE

mahajansb/