



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 CIVIL APPLICATION NO. 10386 OF 2025
IN FAST/10838/2025

MAYUR RAVINDRA KAMBLE

VERSUS

DISTRICT HEALTH OFFICER ZILA PARISHAD LATUR

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Mr. Fayaz Khurshid Patel, Advocate for Applicant

Mr. P. R. Tandale, Advocate for Respondent No.1

Mr. R. K. Ashtekar, Advocate for Respondent No.2

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 23.09.2025

PER COURT :-

1. Mr. Patel, learned counsel for the applicant points out that vide order dated 4th April 2025, this Court, while granting stay to the judgment and award impugned in the First Appeal, has directed the applicant i.e. owner of the vehicle to deposit entire awarded amount in this Registry before the returnable date. Mr. Patel, learned counsel for the applicant submits that the authority has deposited an amount of Rs.10,04,799/-. Mr. Patel would further submit that such deposit is not in full compliance with the order dated 4th April 2025. The appellant has not deposited the entire payable award amount. He would submit that when 'entire award amount' term is used by this Court to deposit such award amount, it contemplates entire payable award which

includes cost and interest as well.

2. To this, Mr. Tandale in all fairness submits that he would deposit such deposit amount with updated interest within four weeks from today. The assurance of Mr. Tandale is taken on record. The appellant shall deposit remaining deposited amount with updated interest within four weeks from today.

CIVIL APPLICATION NO. 10386 OF 2025 (WITHDRAWAL)

1. Feeling aggrieved by the judgment and award dated 28.11.2024, passed by the learned Principal District Judge and Ex-Officio Member of the Motor Accident Claims Tribunal, Latur, in M.A.C.P. No.200 of 2016, the applicant/appellant has preferred this First Appeal.

2. A sum amount of Rs.10,04,799/- has been deposited by the respondents/appellants in this court towards partial compliance of the said order granted by this Court. As observed above, Mr. Tandale, learned counsel for the respondent no.1 has also given an assurance that the remaining amount together with updated interest shall be deposited within four weeks from today.

3. This Civil Application is filed by the claimant seeking withdrawal of the amount deposited by the appellant.

4. Mr. Patel, learned counsel for the claimant submits that the

entitlement of the claimant has been adjudicated by the learned Tribunal by assessing the evidence on record and in view of the facts of the case. He submits that the claimant has incurred huge medical expenses and sustained loss of earning capacity out of the accident. With this, Mr. Patel, prays for permission to withdraw the deposited amount.

5. Per contra, Mr. Tandale, was at pains to demonstrate that how the respondent no.1/appellant was not under obligation to compensate the claimant and that the liability lies on respondent No.3. He further submits that the issue of liability inter se the appellant and respondent No.3 still remains to be adjudicated. He strenuously opposes the withdrawal application, contending that the claimant may not be permitted to withdraw more than 50% of the amount deposited by the appellant in this Court.

6. Mr. Ashtekar, learned counsel for respondent no.2 i.e. the driver of the offending vehicle is present and adopts the arguments advanced by Mr. Tandale.

7. Having heard the parties at length, I am of the considered view that the entitlement of the claimant has already been determined by the learned Tribunal after scrutinising the evidence. It is not disputed that the claimant is a victim of the accident and has sustained some injuries. *Prima facie*, the dispute that remains with regard to the liability between the

appellant and other respondents. It is also a fact that even today, the entire payable award amount has not been deposited by the appellant in this Court.

8. Mr. Patel, learned counsel for the claimant, without prejudice to his right to seek further withdrawal of the amount which the appellant has yet to deposit, but has assured to deposit within four weeks, prays that he be allowed to withdraw the amount deposited so far by the appellant.

9. Hence, I pass the following order :-

ORDER

- a. Civil Application is allowed.
- b. Applicant is permitted to withdraw the amount deposited by the appellant in this Court 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.]