



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

**902 CIVIL APPLICATION NO. 14034 OF 2024
IN FA/636/2013**

**MEERA KALYAN @ BANDU LANDGE AND ORS
VERSUS
NEW INDIA ASSURANCE CO LTD THROUGH AUTHORISED
SIGNATORY AND ORS**

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Ms Rakhi V. Sundale, Advocate for the Applicants
Mr. Dhananjay Deshpande, Advocate for Respondent No.1
Mr. Anand Chawre, Advocate for Respondent No.2
Mr. S. P. Katneshwarkar, Advocate for Respondent Nos. 3 and 4

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 19.06.2025

PER COURT :-

1. By the present praecipe, the applicants seek correction in paragraph No.5 of order dated 20.01.2025 in Civil Application No.14034 of 2024. The learned counsel appearing for the applicants submits that the figure “Rs.1,00,000/-” appeared in the last line of paragraph No.5, be replaced by “Rs.50,000”.
2. The learned counsel appearing for the non-applicants have no objection.

3. In view of above, the figure “Rs.1,00,000/-” appeared at the end of paragraph No.5, be substituted as “Rs.50,000”/-.
4. Necessary correction be made and corrected order be uploaded.
5. Accordingly, the praecipe is disposed off.

[Y. G. KHOBRADE, J.]

SMS

(This order stands corrected in view of the order passed on 19.06.2025)

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Mr. Anand Chawre, Advocate for Respondent No.2
Mr. S. P. Katneshwarkar, Advocate for Respondent Nos. 3 and 4

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 20.01.2025

PER COURT :-

1. Heard the learned counsel for the respective parties at length.

2. By the present Application, Applicant No.2 Utkarsha Kalyan Landage, who attained the age of majority during pendency of the present Appeal, has filed the present Application seeking permission to withdraw the amount of Rs.50,000/- with interest, which has been invested in the fixed deposit in her name.

The Applicants further prays for permission to withdraw the entire amount of compensation deposited by Respondent No.1 in the present Appeal.

3. Mr. Deshpande, the learned counsel for the non-applicant No.1 / Insurance Company submits that at the time of accident, the driver was not holding the license, so also, the insurance company has made out substantial ground to interfere with the findings recorded by the learned Member, Motor Accident Claims Tribunal, Ambajogai. Therefore, if the Applicant is permitted to withdraw the entire amount of compensation, in that event it will not be possible for the Insurance Company to recover the same. Hence, prayed for rejection of the Application.

4. The learned counsel for the non-applicant Nos. 3 and 4 parents of the deceased Kalyan Landge, submits that as per the judgment and award dated 18.08.2008, the total compensation of Rs.4,94,000/- has been determined and the present non-applicant No.1 / Insurance Company directed to pay the said compensation, out of which, the present non-applicant Nos. 3 and 4 are held entitled to receive the amount to the tune of Rs.1,94,000/-, whereas the present

Applicant No.1 - the widow of deceased is held entitled to receive an amount of Rs.1,00,000/- and the present Applicant No.2 the daughter is held entitled to receive the compensation of Rs.2,00,000/-. Therefore, prayed for passing of suitable order:-

5. It is not in dispute that on 18.08.2008, the learned Member, Motor Accident Claims Tribunal, passed the judgment and award in M.A.C.P No.90 of 2007 and granted an amount of Rs.4,94,000/- compensation in favour of the claimants. At the time of filing of the present Appeal, the present Applicant No.2 was minor and the compensation of her share to the tune of Rs.2,00,000/- has been kept in fixed deposit after the 50% of compensation deposited by the Appellant / Insurance Company. Since the Applicant No.2 wants to withdraw the amount for her marriage ceremony, therefore, it would be just and proper to permit her to withdraw the amount of Rs.50,000/- with interest accrued thereon.

6. In view of the above, the Civil Application is disposed of.

[Y. G. KHOBRAGADE, J.]