IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12445 OF 2025

Ajaykumar Kishan Kamti .....Petitioner
Vs.
Atul Vitthal Deshpande & Ors. .....Respondents

Mr. Bhushan Walimbe (through vc) with Mr. Vaibhav V. Arage, for the Petitioner.
Mr. Viraj Nalavade with Mr. Tanvi Lad, for Respondent No.1.
Mr. S.K. Dandge, for Respondent No.3.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 2nd December 2025

P.C.:-

1. Heard learned counsel appearing for respective parties.

2. The Petitioner takes exception to order dated 14th October 2025 passed by Motor Accident Claims Tribunal, Kolhapur below exhibit-1, whereby learned Tribunal has permitted Applicant to withdraw 50% of amount of award on furnishing usual undertaking.

3. Mr. Bhushan Walimbe, learned advocate appearing for Petitioner points out that Petitioner suffered injury in motor vehicular accident resulting into amputation of his leg. The MACP No.356 of 2013 was filed before Tribunal at Kolhapur seeking compensation

from Owner, Driver and Insurer of offending vehicle. Tribunal adjudicated aforesaid claim and passed an award of Rs.27,08,000/- along with interest at the rate of 7% p.a. In pursuance to aforesaid award, Respondent No.3-Insurance Company has deposited entire award amount with Tribunal. The Petitioner thereafter filed an Application seeking permission to withdraw amount. The Tribunal permitted withdrawal of only 50% amount that too on furnishing undertaking and withheld disbursement of 50% amount.

4. It appears that Insurance Company has accepted award and deposited amount pursuant to liberty granted to it to recover said amount from owner of vehicle.

5. Apparently, there is no reason to withhold amount of award deposited by insurer. The impugned order suggests that owner of vehicle has preferred an Appeal against award, which is yet to be numbered and no interim orders or particularly no stay to execution of award is passed. In result, this Court finds no justification for withholding amount deposited by Insurance Company by giving reference to pendency of Appeal filed by owner/insured of vehicle. However, it cannot be overlooked that Petitioner is young man aged

about 30 years, who suffered amputation of his leg. The compensation granted is towards loss of income, so also future medical expenses.

6. In that view of matter, and in interest of Claimant, it would be appropriate to keep 25% of compensation amount in a fixed deposit for a period of three years. In result, Writ Petition partly **allowed**. Petitioner/Claimant is permitted to withdraw 75% of amount deposited by Insurance Company. The balance 25% amount along with accrued interest thereon, shall be invested in fix deposit in name of Petitioner for a period of three years with any nationalized Bank.

(S. G. CHAPALGAONKAR, J.)