

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**INTERIM APPLICATION NO. 11020 of 2025**  
**in**  
**FIRST APPEAL NO. 1633 of 2002**

Radhabai Mahadev Thakur and ors.

... Applicants

In the matter of

Maharashtra State Road Transport Corporation

.... Appellant

Versus

Radhabai Mahadev Thakur and ors.

.... Respondents

Mr. Yogesh Pande, Advocate for the Applicants.

Mr. Arafat Siddique i/b. G. S. Hegde along with Ms.P. M. Bhansalai, Advocate for the Appellant-Corporation.

Ms. Poonam Mital, Mr. T. J. Mendon, Mr. Rajesh Kanojia, Mr. C. M. Lokesh, Mr. D. S. Joshi, Mr. Amol Gatne, Mr. Nikhil Mehta, Mr. Rahul Mehta, Ms. Shalini Shankar, Ms. S. S. Divedi, Ms. Ketki Gokhale, Ms. Jyoti Vajpayee, Ms. Jaya Shukla, Mr. S. M. Dange, Mr. D. R. Mahadik, Mr. Sudhakar Thorat, Ms. Rina Kundu, Mr. H.G.Misar, Mr. Sandeep Jinsiwale, Ms. Varsha Chavan, Mr. Niketan Nakhawa and Mr. Pramod Purav as Amicus Curiae.

**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 13<sup>th</sup> AUGUST, 2025.**

**PC :**

1. This application is filed by the applicants/claimants seeking transfer of the statutory amount deposited before this Court to the Tribunal and permission to withdraw the same with accrued interest.

2. During the course of arguments by learned counsel for the applicants, other advocates practicing in MACP (Motor Accident Claims

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Petition) matters submitted that they also have submissions to make regarding the release of the statutory amount.

3. Considering the submissions of learned counsel for the applicants in the present matter, as well other advocates, it appears that although this Court disposes of the appeals, the statutory amount along with accrued interest, if any, is not transmitted to the Tribunal immediately.

4. It is the contention of learned counsel for the applicants that as per the provision of Section 173 of the Motor Vehicles Act, 1988, the Insurance Companies/Corporation deposit a statutory amount of ₹25,000/- before this Court at the time of filing an appeal, which is later deducted from the amount deposited after granting of the stay order.

5. After disposal of the appeal and transfer of the said amount along with accrued interest to the Tribunal, when the claimants file an application for withdrawal of the statutory amount, the Tribunal does not pass order on it on ground of absence of a specific direction from this Court. This practice is erroneous. Therefore, it is requested that a direction be issued to the Tribunal to permit withdrawal of the statutory amount immediately after filing of withdrawal application.

6. I have heard all learned counsel. Though the applicants have prayed for the transfer of the statutory amount deposited by the respondent-Insurance Company at the time of filing the appeal, this issue appears to be of a wider scope. Insurance Companies/Corporations

deposit the statutory amount, but post-disposal of the appeal, the claimants are facing difficulties in withdrawing the same.

7. Considering the above, all Motor Accident Claims Tribunals in the State are directed to consider applications filed by the claimants for withdrawal of the statutory amount with accrued interest, if any, expeditiously and, preferably, within a period of three months from the date of filing of such application.

8. Upon filing of the application, the Tribunal may call for a response from the Insurance Company/Corporation. In the event, Insurance Company/Corporation fails to respond within one month, the Tribunal shall proceed to pass appropriate orders on the said application.

9. The Registrar (Judicial-I) is directed to circulate this order to all Principal District Judges/Chairman/Members of all Motor Accident Claims Tribunals across the State.

10. If the statutory amount pending before this Court is not transferred to the Tribunal, it be transferred immediately within six weeks.

**(SHIVKUMAR DIGE, J.)**