

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12782 OF 2025

IN

FIRST APPEAL NO. 2221 OF 2025

Sunita Jayprakash Chauhan

.... Applicant

IN THE MATTER BETWEEN

Maharashtra State Road Transport Corporation

... Appellant

Versus

Sunita Jayprakash Chauhan

... Respondent

....

Mr.Harshada Shrikhande , Advocate for the Applicant.

Mr.Prathamesh Mandlik i/b Mr.Nitesh Bhutekar, Advocate for the Respondent.

....

CORAM : R. M. JOSHI, J.

DATED : 3rd NOVEMBER, 2025.

P.C. :

. Heard learned counsel for both sides.

2. The Application for withdrawal of amount deposited by the Appellant insurer before the Tribunal pursuant to the judgment and award dated 9th January 2023 passed by the MACP, Pune.

3. Perusal of the judgment impugned indicates that the Tribunal has directed deposit of 70% amount entitled by the Claimant in fixed deposit for a period of 5 years with liberty to receive monthly interest.

4. The learned counsel for the Claimant submit that Claimant is major person and unless there are any special reason recorded, there will be no justification for not permitting the Claimant to withdraw at least 50% amount.

5. The learned counsel for the Applicant/Insurer vehemently opposes the Application.

6. Having regard to the fact that, the entitlement of the Claimant is not in dispute, this Court finds substance in the contention of the learned counsel for the Appellant that at least 50% amount along with the interest accrued needs to be permitted to be withdrawn.

7. In view of this, the Application stands allowed in above terms. The withdrawal shall be permitted on usual undertaking.

(R. M. JOSHI, J.)