



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14579 OF 2025

JYOTI PRAMOD GAIKWAD AND OTHERS
VERSUS
MANOJ VITTHALRAO INGALE AND OTHERS

...
Advocate for the Petitioner : Mr. Ram S. Shinde
Advocate for Respondent No. 3 : Mr. S. S. Patil
...

CORAM : S. G. CHAPALGAONKAR, J.

Date : 16th March, 2026

PER COURT :-

1. Heard.
2. Issue notice to respondents, returnable forthwith.
Learned counsel Mr. S. S. Patil waives service of notice on behalf of respondent No. 3. The presence of other respondents is not necessary. By consent of the parties, the matter is taken up for final decision at the admission stage.
3. The petitioner raises an exception to the order dated 09.05.2025 passed by the learned Motor Accident Claims Tribunal, Latur, in M.A. No. 96 of 2025 in M.A.C.P. No. 263 of 2020.
4. Mr. Shinde, learned counsel appearing for the petitioners, submits that the M.A.C.T. Latur passed an award of Rs.

98,79,955/- along with interest @ 6% p.a. in favour of the petitioners. The respondent - Insurance Company has deposited the amount as per the award. The Tribunal directed the investment of Rs. 22,26,761/- in the name of petitioner No. 1 for a period of 10 years and Rs. 44,53,462/- in the name of petitioner No. 2 until she attains the age of majority.

5. The petitioners have purchased a house property for their residence. Consequently, petitioner No. 1 sought the withdrawal of the amount kept in an FDR in her name and also sought a direction to release the quarterly interest on the amount deposited in the name of petitioner No. 2. The learned Member, M.A.C.T., partly allowed the said application by directing the release of the FDR in the name of petitioner No. 1, but refused permission to withdraw the interest on the FDR of petitioner No. 2, who is presently a student in the 9th standard.

6. Mr. Shinde, learned counsel for the petitioner, submits that the amount is required for the educational purposes of petitioner No. 2. The entire amount received by petitioner No. 1 has been invested in the purchase of the house, leaving her with no means to meet the educational expenses of petitioner No. 2.

7. A perusal of the impugned order shows that the Tribunal was of the view that since the amount invested in the name of the mother (petitioner No. 1) had already been released, and because petitioner No. 2 is a minor, the necessity to release the interest on the amount deposited in the minor's name was not apparent.

8. Upon consideration of the aforesaid factual aspects, it is observed that petitioner No. 1 has spent the received amount on the purchase of a house for a consideration of Rs. 55,00,000/-. The share falling to the mother has already been exhausted toward the purchase of the property. Petitioner No. 2 is pursuing her education in the 9th standard. If the interest accrued on the FDR is permitted to be withdrawn, it would enable petitioner No. 2 to pursue her education. Hence, following order :-

ORDER

- (A) The Writ Petition is **allowed**.
- (B) The Assistant Superintendent (Cash and Finance), M.A.C.T., Latur, shall issue a letter in the name of Branch Manager, Indian bank, Branch AUSA Road, Latur, with a direction to release an annual interest accrued on the FDR in the name of petitioner No. 2 and reinvest the principal amount in FDR.

(S. G. CHAPALGAONKAR, J.)