



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 144 OF 2026
IN
FIRST APPEAL NO. 414 OF 2011

1. Archana Rohidas Aher
@ Archana Gyandev Pawar
Age : 34 years, Occu : Household,
R/o. Aher Wasti, Bramhangaon,
Taluka Kopargaon, District Ahmednagar.
2. Vijay Rohidas Aher
Age : 34 years, Occu : Agri,
R/o. Belapur Bk,
Taluka Shrirampur,
District Ahilyanagar.
3. Rekha Rohidas Aher @
Divya Vishal Mahajan,
Age : 43 years, Occu : Household,
R/o. Ward No.1 Gondhwani,
Taluka Shrirampur,
District Ahmednagar.

... Applicants
[Orig. Claimant Nos. 4 to 6]

Versus

1. Laxman Raoji Aher
Age : 75 years, Occ : Labourer,
R/o. Udarmal,
Taluka and District Ahmednagar.
2. Anusayabai Laxman Aher,
Age : 70 years, Occ : Household,
R/o. Udarmal,
Taluka and District Ahmednagar.
3. Manda Rohidas Aher,
Age : 45 years, Occ : Labourer,
R/o. Udarmal,
Taluka and District Ahmednagar.

... Respondents
[Orig. Claimants 1 to 3]

4. Pratibha Dilip Lodha
Age : Major, Occ : Business,
R/o. Shri Dilip Lodha, Suruchi Soc.,
Kale Path, Bhandarkar Road,
Pune.
 5. United India Insurance Co. Ltd.,
Near S.T. Stand, Railway Station Road,
Taluka and District Ahmednagar.
 6. Ramdas Rathour Pancham Singh,
Age : Major, Occ : Business,
R/o. Char Shahar Ka Naka,
Gwalior (MP).
 7. National Insurance Co. Ltd.,
R/o. Raj Chambers, Kothala Road,
At Post Ahmednagar.
 8. Mangal Rohidas Aher,
Age : 50 years, Occ : Household,
R/o. Udarmal,
Taluka and District Ahmednagar.
- ... Respondents
[R.4 to 8 Orig. Respd
Nos. 1 to 5]

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Mr. Ajit B. Chormal, Advocate for the Applicants.
Mr. S. V. Kulkarni, Advocate for Respondent No.5.
Mr. D. V. Soman, Advocate for Respondent No.7.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 02.02.2026

ORDER :

1. Instant civil application is filed by the original claimant nos. 4 to 6 in M.A.C.P. No. 88 of 2003, seeking permission to withdraw the

amount deposited by respondents/original opponent nos. 1 to 4 as per the order dated 08.12.2010 passed by learned Member, MACT, Ahmednagar in the said claim Petition.

2. The said motor accident claim petition was originally filed by the family members of deceased Rohidas, i.e. his parents, second wife Manda (present appellant in First Appeal) and three children from his first wife Mangal (who being their biological mother, was arraigned as opponent no.5 in the claim petition in the capacity of their guardian). The said claim petition was partly allowed in favour of parents and three children (present applicants) and the claim of both wives, i.e. original claimant no.3 Manda (second wife) and original opponent no.5 Mangal (first wife) was dismissed. The learned Member, MACT, Ahmednagar, while awarding compensation, had apportioned the amount of compensation as 20% each to father, mother and three children. Share of the three children, being minors, was directed to be kept in fixed deposit under the guardianship of opponent no.5 Mangal, till the children attain their respective age of majority.

3. The said children, now having attained majority, have applied for withdrawal of the amount by filing the instant application.

4. Heard learned counsel for the applicants as well as learned counsel for the respective insurance company.

5. In the First Appeal filed by the second wife Manda, during its pendency, it was brought to the notice of this court that the first wife Mangal had preferred appeal bearing RCA No. 310 of 2011 against declaration of second wife Manda to be legally wedded wife of deceased Rohidas vide order dated 16.06.2009 in RCS No. 85/2007. Therefore, by order dated 19.03.2013, it was observed that it would be appropriate to hear the present appeal after judgment is delivered in said RCA No. 310 of 2011.

6. Subsequently, learned counsel who represented the appellant in First Appeal was reported to be no longer alive and hence notice was issued to the appellant Manda by order dated 08.02.2021. However, office record shows that said notice is returned unserved as she was not residing on given address. Consequently, since at least 2021, the appellant is unrepresented.

7. Learned counsel for the instant applicants has brought to the notice of this Court that the RCA No. 310 of 2011 filed by first wife Mangal came to be decided on 13.02.2014, whereby learned Ad hoc

District Judge-2, Ahmednagar has set aside the declaration granted in favour of Manda (present appellant). Learned counsel has also produced copy of the said order dated 13.02.2014.

8. In brief, now both wives, Manda as well as Mangal, have been denied the status of being legally wedded wife of deceased Rohidas. First Appeal filed by Manda against the order in the Motor Accident Claim Petition is pending. The minor claimants, having attained majority, have now approached this Court by way of instant application for withdrawal of their share in the amount of compensation awarded by the Tribunal. The applicants-claimants might be in need of financial assistance. The Tribunal has already apportioned their shares respectively. Therefore, there is no hurdle to allow them, on due verification, to withdraw their share with interest accrued till date. Hence, following order :

ORDER

- I. The Civil Application is allowed in terms of prayer clause (C).
- II. The Civil Application is accordingly disposed off.

[ABHAY S. WAGHWASE, J.]