



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 4620 OF 2026
IN FA/1757/2016**

VAISHNAVI D/O. BABURAO LOHAR
VERSUS
NEW INDIA ASSURANCE COMPANY LTD SATARA THR BRANCH
MANAGER AND ANOTHER

.....
Advocate for Applicant : Mr. Santosh N. Patne
Advocate for Respondent No.1 : Mr. S. R. Bodade
.....

CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 22 APRIL 2026
PRONOUNCED ON : 24 APRIL 2026

ORDER :

1. Learned counsel for applicant submitted that, present applicant had preferred Motor Accident Claim Petition under section 166 of Motor Vehicles Act and had claimed to the compensation of Rs.75,00,000/- on account of death of mother of the applicant. It is further pointed out that, learned Tribunal was pleased to partly allow the claim petition directing compensation to be paid Rs.50,17,000/- along with interest @ 8% per annum by judgment and award dated 12.06.2015. That, the said amount is deposited in this Court. Learned counsel further submitted that, previously an application for withdrawal of amount was preferred bearing Civil Application No.13054 of 2019 and the same was allowed by order dated 15.11.2019, permitting to

withdraw an amount of Rs.10,00,000/- to the present applicant. Now, almost 10 years have lapsed since then. Appeal has not either fixed for hearing or it being taken up, it being of 2016. That, present applicant is in need of funds and therefore, learned counsel prays to allow the withdrawal of Rs.15,00,000/- from the above deposited amount.

2. Learned counsel for Insurance Company strongly opposed on the ground that appeal is pending and matter can be taken up for final hearing itself, if so desired.

3. Perused the record. Admittedly against the judgment and award passed by M.A.C.T., Osmanabad, appeal has been preferred by the Insurance Company i.e. getting aggrieved by the award passed by the learned Tribunal. Record shows that, this Court by order dated 08.01.2016, at the time of admission, granted stay subject to depositing an amount of Rs.50,00,000/- with interest and in consequence to the same, amount of Rs.50,00,000/- is deposited, regarding which there is no dispute. Record further shows that, original claimants preferred Civil Application No. 5893 of 2016 and this Court by order dated 03.05.2016 permitted appellant no.1 Babarao for withdrawal to the tune of Rs.10,17,000/-. Thereafter, appellant no.3 Vaibhavi preferred Civil Application No.5121 of 2022 and the same was allowed permitting her to

withdraw an amount of Rs.10,00,000/- with accrued interest. Previously also present applicant i.e. appellant no.2 preferred Civil Application No.13054 of 2019 and the same was allowed by order dated 15.11.2019, permitting to withdraw an amount of Rs.10,00,000/-. All three appellants withdrew an amount of Rs. 10,00,000/- each, respectively. In spite of having withdrawn Rs.10,00,000/-, the present applicant is praying to withdraw an amount of Rs.15,00,000/-. However, Almost 10 years have lapsed since then and it is a death claim. As the appeal is of the year 2016 and has not being taken up for final hearing by either of the parties, further withdrawal to the tune of Rs.5,00,000/- deserves to be considered and granted.

4. In view of above, applicant is permitted to withdraw an amount of Rs.5,00,000/- (Rupees Five Lakhs Only), on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.

5. The Civil Application is disposed of accordingly.

(ABHAY S. WAGHWASE, J.)