

MHLA010037082025



ORDER BELOW EXH.9 IN M.A.C.P. DKST NO.40/2025
Komal Vs. State

The DH has filed this application for permission to withdraw the amount of compensation deposited by the JD No.1.

2. On the perusal of application, it is seen that the DH has prayed for withdrawal of entire amount of Rs.3,10,446/- which was reported to be deposited in Reg.'C' Sr.No.273 dated 31/01/2026.

3. On the perusal of the documents produced along-with list, it is seen that the original claim petition was filed by all the legal representatives and the DH who was minor had only preferred first appeal before the Hon'ble High Court. The Hon'ble High Court by passing award in First Appeal No.2174/2024 modified the original award and has directed to pay compensation of Rs.6,00,500/- alongwith interest @ 7.5 % p.a. from 24/09/2007 to 20/12/2008 and 16/07/2024 till realization of entire amount to all the original claimants. Therefore, upon the oral query to the learned advocate of DH, the learned advocate produced xerox copy of judgment passed in M.A.C.P. No.279/2007 along-with list Exh.12. On the perusal of this judgment, it is seen that originally four applicants including the DH have preferred the claim petition and award of compensation of Rs.3,40,000/- alongwith interest @ 7.5 % p.a. was granted. In the said award the apportionment of the total compensation was specifically mentioned. Therefore, considering the award passed by the Hon'ble High Court and the

original Award to disburse the claimed amount, the only DH is not entitled. Hence, the learned advocate by filing application at Exh.13 prayed for disbursal of the amount by specifying the entitlement of the every original claimant. Accordingly, the DH and her mother Urmila claimed to be entitled for the amount of Rs.1,08,656/- each and original claimant No.3 Jagannath Jadhav and claimant No.4 Sumanbai Jadhav are said to be entitled for amount of Rs.46,566/- and Rs.46,567/- respectively.

4. On receipt of this application when the detailed report of Nazir was called, he by report dated 07/03/2026 reported that previously out of NFL amount of Rs.50,000/-, 50% amount i.e. Rs.25,000/- was jointly disbursed to DH and her mother and amount of Rs.12,500/- each was disbursed to claimant Nos.3 and 4. He also reported that out of the compensation amount originally awarded in M.A.C.P. No.279/2007 amount of Rs.1,14,919/- each was awarded to DH and her mother and Rs.47,883/- is awarded to claimant Nos.3 and amount of Rs.47,882/- is awarded to claimant No.4. Accordingly, all the amounts are disbursed as directed in the Award.

5. Now, in view of enhancement of the compensation by the Hon'ble High Court the JD No.1 has deposited remaining amount of Rs.3,10,446/- and as per the direction of Hon'ble High Court the said amount is to be disbursed as per the apportionment made in the original award. Therefore, upon calculation, I find that in view of original award 70% amount was jointly disbursed to claimant Nos.1 and 2 i.e. present DH and her mother and 30%

amount is jointly disbursed to claimant Nos.3 and 4. Accordingly, I find that now, the deposited amount is also required to be disbursed in view of above apportionment. Therefore, I pass the following order.

ORDER

1. The application is allowed.
2. The Nazir is directed to pay amount of Rs.1,08,656/- to DH, amount of Rs.1,08,656/- to claimant No.1 Urmila Goroba Jadhav and an amount of Rs.46,567/- to claimant No.3 Jagannath Sopan Jadhav and amount of Rs.46,567/- to claimant No.4 Sumanbai Jagannath Jadhav.
3. The darkhast be placed for final order on next fixed date.

Date- 01/04/2026

(P. P. Kestikar)
Adhoc District Judge-2 and
Ex-Officio Member, Motor Accident
Claims Tribunal, Latur.