

Party Name : BIRENDRA DEBNATH & ANR Vs UNION OF INDIA & ORS

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THE HONBLE MR JUSTICE U. B. SAHA

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The instant application is filed by the claimant-petitioners for allowing them to withdraw the deposited amount of Rs. 6,02,770/- which was deposited by the appellant-Assam Rifles with the Registry of this Court in terms of order dated 13.11.2014 in connection with LA Appeal No. 120/2013 arising out of Civil Misc (LA) 12/2009.

The appellant-respondents preferred an appeal against the judgment and order dated 23.04.2013 passed in Misc. LA 01/2011 passed by the learned LA Judge, South Tripura, Udaipur. At the time of admission of the appeal, a miscellaneous application for staying the operation of the impugned judgment was also filed and this Court by its order dated 13.11.2014 stayed the impugned judgment and award provided 60% of the enhanced awarded sum may be deposited before this Court.

In pursuance of the aforesaid order dated 13.11.2014, the appellant-respondents Assam Rifles deposited Rs. 6,02,770/- only with an intimation to the present claimant-petitioners. According to the petitioners, they are entitled to receive the said deposited sum of Rs. 6,02,770/- to overcome the hardship of their family and day to day expenditure.

Mr. Bhattacharji submits that the claimant-petitioners are facing hardship and are not in a position to even maintain their day to day life. Thus, they may be allowed to withdraw the money as deposited by the appellant-respondents.

On the other hand, Mr. Roy Barman submits that he has no objection to the prayer for withdrawal of 50% of the deposited amount but it would not be proper to allow them to withdraw the entire deposited amount when the appeal is pending.

Considering the entire facts and circumstances, the petitioners are permitted to withdraw 50% of the deposited amount on furnishing an indemnity bond after proper identification. Registry is directed to issue proper Account Payee Cheque in favour of the claimant-petitioners, so far 50% of the deposited amount is concerned, on furnishing an indemnity bond after proper identification.

With the aforesaid order, the instant CM application is disposed of.