

\ **IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1435 OF 2015
IN
FIRST APPEAL NO.194 OF 2013**

Aruna Ashok Kini and Ors .. Applicants

vs.

Maharashtra State Electricity Distribution
Company Ltd. And Ors. .. Respondents

Mr.Omkar Warange for the applicants

Mr.Rakesh Singh i/b M/s.M.V.Kini and Co.for the respondents

**CORAM : K.K.TATED, J.
DATED : 17/06/2015**

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by plaintiffs for withdrawal of the amount deposited by the respondent no.1 in the Trial Court.
- 3 The learned counsel for the applicant submits that in the present proceeding applicant no.1 lost her husband due to electrocution. At the time of death, he was 53 years old and was working as Gram Sevak. He was getting salary of Rs.12,000/-. Hence, they filed Special Civil Suit No.178 of 2006 for compensation of Rs.15.0 lacs. He submits that the Trial Court has decreed the suit for Rs.12.0 lacs with 6%

interest p.a. He submits that applicant no.1, Aruna Ashok Kini does not have any source of income. He further submits that applicant has to look after applicant nos.2, 3, 4 and 5 who are taking education. She has to bear the expenses of education and day to day needs of other applicants. He submits that for want of source of income, it is very difficult for her to fulfill the needs of other applicants. Hence, she has filed present Civil Application for withdrawal of the amount.

4 Considering the submissions made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied that at present, the applicant has made out a case for allowing them to withdraw some amount without furnishing any security. Hence, following order:

- a) Applicant nos.1 to 5 are entitled to withdraw 1/10th each without furnishing solvent security but subject to outcome of the present First Appeal.
- b) Tribunal is directed to invest remaining amount in fixed deposit of any nationalised bank initially for a period of one year and same be continued till the hearing and final disposal of the First Appeal.
- c) Liberty granted to applicants to prefer appropriate application for withdrawal of additional amount, if they desire and that application will be decided on its own merits.
- d) Civil Application is disposed of accordingly.

(K.K.TATED, J.)