

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 2499 OF 2015
IN
FIRST APPEAL NO. 218 OF 2015**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V. M. Parkar for the applicants
Mrs. S. V. Barucha with R.C. Master for the Appellant/ Union of India.

**CORAM : K. K. TATED, J.
DATED : 14/08/2015.**

PC.:

- . Heard learned Counsel for the parties.
- 2 This application is preferred by claimants for withdrawal of amount deposited by the appellant Union Of India in the Tribunal.
- 3 The learned Counsel for the applicant submits that in accident which occurred on 25.05.2000, the applicant no.1 lost her husband Narbadaprasad Ahirwar. On the date of accident, he was 48 years old. He was in the service of Defence Security Department.
- 4 The learned Counsel for the applicant submits that claimants filed application under Section 166 of M.V. Act for compensation of Rs.12,00,000/-. He submits that the Tribunal awarded only

Rs.2,80,080/-. He submits that applicant no.1 is household wife and her son is working as labourer. He submits that it is very difficult for them to maintain their day-to-day expenses. He submits that in the interest of justice, this Hon'ble Court be pleased to allow the applicants to withdraw the amount deposited by the Union of India.

5 The learned Counsel for the respondent Union of India vehemently opposed the present Civil Application. She submits that in the present proceeding, the Tribunal erred in coming to the conclusion that Union of India is liable to pay compensation. She submits that driver of the offending vehicle was acquitted in the criminal proceeding. If Union of India is succeeded in the present proceeding, then it will be very difficult for them to recover the awarded amount from the claimants. She submits that, if this Hon'ble Court allowed the applicants to withdraw the amount, then they may be directed to provide guarantee to the satisfaction of the Trial Court.

6 I heard both the sides at length. In the present proceeding, the applicant no.1 lost her husband. At the time of accident, he was 40 years old and was working under Union of India.

7 Considering the submissions made by learned counsel for the applicant and averments made in

civil application, I am satisfied that applicant has made out the case for allowing them to withdraw the amount without furnishing any security.

8 Hence, the following order is passed:

a) Applicants are permitted to withdraw the amount without furnishing any security but subject to the outcome of the First Appeal as under:

- 1) Smt. Umadevi Narbadaprasad Aahirwar is allowed to withdraw 20% of amount.
- 2) Ms. Asha Narbadaprasad Aahirwar is allowed to withdraw 5% of amount.
- 3) Mr. Rajeshkumar Narbadaprasad Aahirwar is allowed to withdraw 5% of amount.
- 4) Ms. Neelu Narbadaprasad Aahirwar is allowed to withdraw 5% of amount.
- 5) Mr. Rahul Narbadaprasad Aahirwar is allowed to withdraw 5% of amount.

b) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)