

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

927 CIVIL APPLICATION NO. 12269 OF 2016
IN FA/690/2002 WITH CA/673/2002 IN FA/690/2002

MUGABAI CHANDU SURYATAL AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicants : Mr. Asifali Adv. h/for
Ms. Ansari A.N.
Mr. SP Deshmukh, AGP for Respondent 1.

CORAM : P.R.BORA, J.

DATE : 2nd September, 2016.

PER COURT :

1) Heard learned Counsel appearing for the
applicants and learned AGP for Respondent No.1.

2) The leaned Counsel submitted that First
Appeal No. 690/2002 preferred by the State
against the judgment and Award passed in MACP
No.75/2000 decided by the Motor Accident Claims
Tribunal, at Hingoli (for short, the Tribunal)

has been dismissed by this court vide judgment and order passed on 13th June, 2016. The learned Counsel further submitted that while delivering the judgment in the aforesaid First Appeal, it was not brought to the notice of the Court that the appellant/State has deposited the amount of compensation in terms of the Award impugned in the said appeal. The applicants have, therefore, prayed for withdrawal of the said amount.

3) Learned AGP does not have any objection for allowing the present application since the appeal has been dismissed.

4) in view of the fact that the appeal filed by the State has been dismissed, the applicants are entitled to withdraw the amount of compensation deposited by the Appellant/State in this court in compliance of the order passed by the Tribunal. The application is, therefore, allowed. The applicants are permitted to withdraw the amount along with the interest

accrued thereon deposited in this court in the present appeal in terms of and according to the proportion mentioned in the impugned Award. Civil Application stands disposed of.

(P.R.BORA)
JUDGE

bdv/