

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

*CIVIL APPLICATION NO.331 OF 2016
IN
SECOND APPEAL NO.620 OF 2003*

Smt. Vimlatai D. Borade & Ors. ... Applicants.

V/s.

Smt. Kaveri G. Borade ... Respondent.

Mr. Amitkumar Sale, Advocate for the Applicants.
Ms. Shruti Tulpule i/by G.S.Godbole, Advocates for the
Respondent.

***CORAM : N.M. Jamdar, J.
Friday 17 June, 2016.***

P.C. :-

Civil application is taken out by the original respondents in the second appeal. The second appeal is filed by the respondent to the civil application challenging the concurrent judgment and order passed by the Courts issuing heirship certificates in favour of the applicants herein. After the appeal was admitted, civil application was taken out by the respondent herein for withdrawal of amount of pension of the deceased and an order was passed on 23.9.2005 permitting the respondent herein

Shivgan

to withdraw 50% of the pension amount payable. The learned Single Judge noted that the applicants herein were not present and, therefore, the Court was not in a position to hear the appellants. While granting liberty to the respondent herein to withdraw 50% of the amount, the learned Single Judge specifically granted liberty to the applicants to make application to withdraw other half of the amount. Accordingly, the present application is filed.

2 In the application, the applicants have narrated that the applicant no.1 is senior citizen being 70 years old. Considering the fact that she is dependent on her children and the liberty granted by this Court earlier, applicant no.1 is permitted to withdraw 50% of the pension on the same terms as being withdrawn by the respondent herein , i.e. the original appellant. The civil application is, accordingly, disposed of in the above terms.

(N.M. Jamdar, J.)

