

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.903 OF 2016
IN
FIRST APPEAL NO.629 OF 2002**

Sulekha Bal Parab & Ors.

..Applicants

Vs.

Maharashtra State Road Transport

..Respondent

Mr. B. G. Tangsali for the Applicants

Mr. C. M. Lokesh i/b Mr. G. S. Hegde for the Respondent

CORAM : R. M. SAVANT, J.

DATE : 1st JULY, 2016

P.C.

1 The above Civil Application has been filed for withdrawal of the amount deposited by the Respondent in the MACT Sindhudurg. The Applicants who had filed Civil Application No.1623 of 2006 in the above First Appeal, and were by order dated 23-4-2008 allowed to withdraw the amount of Rs.2 lacs on personal bond and Rs.1 lac by furnishing security to the satisfaction of the MACT Sindhudurg. The benefit of the said order could not be taken by the Applicants in view of the fact that the Applicant No.2 Kum. Nayana Parab alias Pooja Bagayatkar had expired. The Applicants had therefore filed an application for bringing the heirs of the said Applicant No.2 on record which came to be allowed on 13-1-2016 and thereafter have filed the instant Civil Application for withdrawal. Though the Applicants have prayed for withdrawal of the 50% of the amount, the Learned Counsel for the Applicants states that

they are seeking withdrawal in terms of the said order dated 23-4-2008.

2 In view of the fact that the withdrawal has already been permitted by the said order dated 23-4-2008 to the extent mentioned in the said order dated 23-4-2008 i.e. Rs. 2 lacs by furnishing personal bond and Rs. 1 lower Appellate Court by furnishing security to the satisfaction of the MACT Sindhudurg. The above Civil Application is allowed, the Applicants are allowed to withdraw the amount in terms of the said order dated 23-4-2008, which is to the extent mentioned hereinabove.

3 The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]