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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1395 OF 2016
IN
FIRST APPEAL (ST) NO.16369 OF 2014

Ashabai P Marsale and anr Applicants

In the matter of

Union of India and ors Appellant

-VS-

Ashabi Marsale and ors .. Respondents.

Mr. Chetan Alai, for the Applicant in Civil
application No.1395 of 2016
Mr. Vinod Joshi, for the Appellant

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 13th OCTOBER, 2016.

P.C. :

1. This application is preferred by the original claimants, seeking withdrawal of the amount of compensation as deposited in the Tribunal in pursuance of the award.

2. It is submitted that applicant No.1 is the widow of the deceased and applicant No.2 is the son. The deceased was the only earning member of the family and on account of his death, applicants are

having no source of income.

3. Hence it is requested that as the hearing of the appeal may take some time, the applicants may be permitted to withdraw some amount for their maintenance. Learned counsel for Union of India, resisted the application on the ground that the accident has occurred due to negligence on the part of deceased. As the hearing of the appeal is not likely to take place in near future and considering the requirement of the applicant, in my considered opinion, it is necessary to permit the applicants to withdraw 50% of the amount of compensation as deposited by the appellant with the trial Court, subject to furnishing usual undertaking.

4. Ordered accordingly.

[DR. SHALINI PHANSALKAR JOSHI, J.]