

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

CIVIL APPLICATION NO.3037 OF 2016

IN

FIRST APPEAL NO.1336 OF 2007

Yasmin Habibkhan and others

.. Applicants

IN THE MATTER BETWEEN

The State of Maharashtra

.. Appellant

Versus

Mrs. Yasmin Habibkhan and others

.. Respondents

Mr. M. R. Bohra i/by Mr. S. B. Shetye for the Applicants.

Mr. A. R. Patil AGP for the Respondent/original Appellant.

CORAM : R.M. SAVANT, J.

DATE : 11th AUGUST 2016

PC.

1 The above Civil Application has been filed for withdrawal of the amount deposited by the State in the MACT, Thane. The amount deposited is in the sum of Rs.5,78,000/-. The Applicants are the widow and the son of the deceased. The other claimants i.e. the father and mother of the deceased have expired during the pendency of the proceedings before the MACT. By an interim order passed in the above First Appeal, the Appellant was directed to deposit 50% of the decretal

amount. The Appellant has accordingly deposited an amount of Rs.5,78,000/- with the MACT, Thane on 28.04.2006. The amount has been invested in a fixed deposit of a Nationalized Bank. The challenge in the above First Appeal is on the ground of the liability of the State to compensate the claimants. In my view, it would be just and proper to permit the claimants to withdraw 50% of the amount which is lying in deposit in the MACT, Thane. This would include the interest which has accrued on the said 50% from the year 2006 upto date. The balance remaining after the withdrawal would continue to remain in a fixed deposit initially for a period of two years and thereafter to be renewed for appropriate period as deemed fit. Needless to state that the withdrawal would be subject to the result of the First Appeal. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]