

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

CIVIL APPLICATION NO. 208 OF 2016
IN
FIRST APPEAL NO. 319 OF 2016

Smt. Bharti Sanjay Jethwa & Ors. .. Applicants

In the matter between

The Municipal Corporation of Gr. Mumbai .. Appellant

Vs.

Smt. Bharti Sanjay Jethwa & Ors. .. Respondents

Mr. Sainand V. Chaugule for the Applicants.

Mr. Madhukar S. Kalzunkar i/b Navdeep Vora Associates for the Appellant.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 15th OCTOBER, 2016.

P. C. :

1. This is an application seeking withdrawal of the 50% of the decretal amount deposited by the appellant in the Trial Court. The applicants are the legal heirs of the deceased. It is submitted that as they have lost their only bread earner in the family, they are having no source of income.

2. Learned counsel for the appellant submits that the order passed by the Trial Court is challenged on the finding relating to negligence, quantum of compensation, especially, the multiplier not being applied correctly.

3. In view thereof, the application is allowed partly. Applicant

No.1 is permitted to withdraw the amount of Rs.5,00,000/- for herself and for applicant No.2, whereas applicant Nos.3 and 4 are permitted to withdraw the amount of Rs.1,00,000/- each on furnishing usual undertaking.

4. The Civil Application is disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]