

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAF) NO. 1534 OF 2016

IN

FIRST APPEAL NO. 879 OF 2015

Manoj Gokuldas Rathi Vs. Devidas Motiramji Bule & Ors.

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri A. J. Gilda Adv for appellant.
Shri Anand Deshpande Adv for respondent no.1.

CORAM: A. S. CHANDURKAR J.

DATED: 29th APRIL, 2016.

Prayer is to permit the claimant to withdraw the amount of
compensation deposited by the appellant.

In the application it is stated that the Claims Tribunal has
granted an amount of Rs. 7,00,000/- and in view of order dated
06.10.2015, 50% of the aforesaid amount has been directed to be
deposited. It is further stated that during pendency of the proceedings
the claimant no.2 has expired and hence the claimant no.1 is the only
surviving member of the family. It is, therefore, prayed that the amount
in question be permitted to be withdrawn.

The application is opposed by the learned counsel for the
appellant on the ground that the Claims Tribunal has granted an amount
of Rs. 7,00,000/- without considering the legal position in the matter of

grant of compensation wherein a bachelor has expired. It is submitted that only the mother of the deceased would have been entitled for grant of compensation.

Perused the judgment of the Claims Tribunal. It is not in dispute that the mother of the deceased was claimant no.2 before the Claims Tribunal. The appellant has been directed to deposit 50% of the amount awarded. In view of aforesaid, the claimant is permitted to withdraw amount of Rs. 3,00,000/- on filing an undertaking that in case the appeal is allowed, the amount withdrawn shall be repaid with interest at such rate the Court may direct. Civil application is allowed and disposed of.

JUDGE

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