

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

930 CIVIL APPLICATION NO. 11910 OF 2017
IN FA/232/2004

ROHINI CHANDRAKANT KULKARNI AND ORS
VERSUS
M/S.MEDIATOR AND AJINTHA SECURITIES PVT.LTD AND ORS

...
Advocate for Applicants : Mr. A. A. Joshi.
Advocate for Respondent No.2 : Mr. M. M. Joshi.
Advocate for Respondent No.3 : Mr. S. V. Kulkarni.
...

CORAM : K.K. SONAWANE, J.

DATED : 20TH SEPTEMBER, 2017.

Order :-

Heard learned counsel for the applicant-original claimant as well as learned counsel for respondents No. 2 and 3. None appears for respondents No. 1, 4 and 5.

2. It has been submitted that, this Court under Order dated 3rd May, 2016, finally disposed of the both appeals on merit after hearing of the parties and decided the monetary liability amongst respondents No. 1 to 3, 4 and 5 to the extent of 50 % each. As per the Award passed by this Court, respondents No.1 to 3 have already deposited the compensation amount in the Court of learned Tribunal, whereas, respondents No. 4 and 5 have deposited compensation amount in this Court. Therefore, learned counsel for the applicant-original claimant prayed for permission to withdraw the amount deposited by respondents No. 4 and 5 in this case. The learned counsel for respondent No.3 – Insurance Company as well as respondent No.2 did not raise any objection. But, learned counsel for respondents No. 4 and 5 remained absent. Therefore, no opportunity is received to hear respondents No. 4 and 5 on this aspect i.e. withdrawal of amount by the original claimants.

3. Admittedly, the matter in dispute has already been adjudicated on merit after hearing of the parties. This Court under Order dated 03rd May, 2016, allowed appeal and modified order by imposing monetary liability on the respondents equally. Pursuant to the Award passed by this Court, the respondents have deposited compensation amount. Therefore, I do not find any impediment to allow applicant-original claimants for withdrawal compensation amount deposited in this Court. Hence, civil application stands allowed in terms of prayer clause 'B'. The Registry to take requisite steps for disbursement of amount in favour of applicant-original claimant as per rules. The civil application stands disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.