

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

922 CIVIL APPLICATION NO. 12877 OF 2017  
IN FAST/12491/2013

INDUBAI TUKARAM MALI AND OTHERS  
VERSUS  
MANAGING DIRECTOR, N.E.K.R.T.C. BIDAR DIVISION, BIDAR

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Advocate for Applicants : Mr. More Abhijit S.  
Advocate for Respondent No.1 : Mr. V. D. Gunale

**CORAM : K. L. WADANE, J.**

**DATE : 12<sup>th</sup> October, 2017**

**ORDER:**

1. Heard learned counsel for both the sides.
2. This is an application for withdrawal of the amount of compensation deposited by the respondent K.R.T.C. in this Court. The learned for the respondent opposed the application on the grounds that the age of the deceased has not been established and secondly, there is no satisfactory evidence to show the exact earning of the deceased.
3. From the record, it is seen that age of the deceased has been determined by the learned Tribunal on the basis of age mentioned in the postmortem report. Furthermore, salary slips of the deceased for few months have been placed on record. Therefore, prima facie, I do not think that total amount of compensation

is to be withheld. In the circumstances, I am of the opinion that 75% amount can be paid to the applicants. Hence following order:

**O R D E R**

1. The applicants are allowed to withdraw 75% of the amount deposited in this court with interest accrued thereon.
2. Remaining 25% amount shall be invested in fixed deposit initially for a period of 13 months in any nationalized Bank and shall be renewed thereafter as per directions of the Court.
3. The civil application is disposed of

**(K. L. WADANE, J.)**

JPC