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

**CIVIL APPLICATION NO. 1792 OF 2016
WITH
CIVIL APPLICATION NO. 1793 OF 2016
WITH
CIVIL APPLICATION NO.3853 OF 2016
IN
FIRST APPEAL (ST) NO. 9123 OF 2016**

Smt. Ashwini Prakash Birnale & Ors.	...Applicants
In the matter between	
Maharashtra State Road Transport Corpn.	...Appellant
VS	
Ashwini Prakash Birnale & Ors.	...Respondents.

.....
Mr Drupad Patil for the Applicants/Respondents
Mr Y.P.Deshmukh for the Appellant.
.....

**CORAM : M. S. SONAK, J.
13 FEBRUARY, 2017**

P.C. :

In Civil Application No.3853 of 2016, there is vague statement that the amounts are required to start some household business to support the family. On the basis of such statement, withdrawal of 50 % of the amount as prayed for, cannot be allowed.

2 However, applicant No.3, who is stated to be 73 years of age is permitted to withdraw an amount of Rs.50,000/-, which is the

only amount awarded to her. Such withdrawal is permitted unconditionally.

3 Further, the impugned award had itself permitted applicant No.1 to withdraw an amount of Rs.16,31,000/-. But there was a condition that an amount of Rs.10,00,000/- out of the same, had to be kept in Fixed Deposit in a Nationalized Bank for the benefit of applicant No.2, who is stated to be 5 years of age.

4 In view of the aforesaid, there can be no difficulty in permitting applicant No.1 to withdraw an amount of Rs.6,31,000/- from the amount deposited by the original appellant before the concerned M.A.C.T.

5 Civil Application No.3853 of 2016, for withdrawal is disposed of in the aforesaid terms. Liberty is granted to applicant No.1 to file a detailed application, indicating what business she proposes to commence and what is her requirement for the purpose of commencement of said business. Such an application, as and when made, will be considered in accordance with law.

6 The parties to act on the basis of the authenticated copy of this order.

(M. S. SONAK, J.)