

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

CIVIL APPLICATION [CAF] NO.3578 OF 2017
IN
FIRST APPEAL NO.957 OF 2007 (D)

(Divisional Controller, M.S.R.T.C., Amravati
 vs.
 Smt. Malutai wd/o Uttamrao Alone and others)

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

Court's or Judge's Orders

CORAM : P.N. DESHMUKH, J.
DATE : 23rd NOVEMBER, 2017.

Heard Mrs. S.W. Deshpande, learned Counsel for applicant-respondent Nos.1 to 5. None for the appellant-State Transport Corporation though duly served.

This application is for grant of permission to withdraw entire amount of compensation as per judgment dated 31/01/2006 passed in Claim Petition No.251/2000 by learned Member, Motor Accident Claims Tribunal, Amravati.

Learned Counsel for applicants-respondents has submitted that against said award, appellant-Corporation had preferred appeal, which was registered as First Appeal No.957/2007. During pendency of said appeal, as appellant failed to furnish paper-book in spite of granting sufficient time, appeal came to be dismissed on 18/06/2010 in view of conditional order passed by this Court about dismissal of appeal in the event no paper-book is filed within the stipulated time. It is submitted that in spite of

dismissal of appeal as aforesaid, no steps are taken by the appellant-Corporation for restoration of the same.

It is further contended that the applicants-respondents are the legal heirs and are dependents of deceased, who involved in an accident, being their father. From the application, it reveals that total amount of compensation to the extent of Rs.4,78,556/- is deposited by the appellant in this Court and respondents are earlier allowed to withdraw amount of Rs.1,78,556/- and balance amount of Rs.3,00,000/- is deposited with nationalized bank.

Considering a fact of dismissal of appeal as aforesaid, applicants-respondents are thus found entitled for the amount deposited by the appellant.

In the circumstances, application is allowed. Respondents are allowed to withdraw balance amount of Rs.3,00,000/- with interest accrued on said amount .

Civil application is disposed of as allowed in the above terms.

JUDGE

**sdw*