

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

C.A.F. NO.4028/2016
IN
FIRST APPEAL NO.1447/2009

Union of India, through its General Manager, Central Railway, C.S.T. Mumbai
 ..Vs..
 Chhayabai wd/o Ulhasrao Deshmukh and others

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

Court's or Judge's orders

 Shir S.K. Sable, Advocate for the applicants / respondents.

CORAM : Z.A.HAQ, J.

DATE : 7.4.2017.

None appears for the appellant though copy of this application is served on the Advocate who represented the appellant in the first appeal.

Heard Shri S.K. Sable, Advocate for the respondents / applicants.

As the order which is proposed to be passed will not affect any right of the appellant, the application is taken up for disposal.

In the judgment passed in appeal on 13th October, 2016, in the concluding para it is directed that the balance amount deposited by the appellant towards compensation granted to the claimants, with the Registry of this Court, be kept in fixed deposit in a nationalized bank and the claimants be permitted to withdraw the interest every three months. It is further ordered that

this arrangement shall be continued until further appropriate orders are passed by the Tribunal.

The learned Advocate for the respondents has submitted that the application is moved before this Court as the amount is deposited with the Registry of this Court.

The claim of the respondents is that the respondent Nos.3 and 4 have attained majority during the pendency of the appeal and now they are married and, therefore, they be permitted to withdraw the amount of their share. It is submitted that the respondent No.5 has expired.

Considering the facts of the case, it is directed that out of the balance amount which is deposited with the Registry of this Court, the respondent Nos.3 and 4 be given Rs.40,000/- each.

The balance amount alongwith interest which has accrued be given to the respondent No.1. The civil application is allowed in the above terms. No costs.

JUDGE