

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2519 OF 2018
IN
FIRST APPEAL NO. 1376 OF 2017

Sheela w/o Gautam Sable and others .. Applicants

versus

Kishor s/o Dilip Borude and others .. Respondents

Mr. C. V. Bodkhe, Advocate h/f Mr. R. V. Gore, Advocate for applicants

Mr. S. S. Dargad, Advocate h/f Mr. S. G. Chapalgaonkar, Advocate for respondent no. 3

CORAM : SUNIL P. DESHMUKH, J.
DATE : 23rd February, 2018

ORDER:

1. Heard learned counsel for parties.
2. This is an application by original claimants for withdrawal of amount deposited in this court as per order dated 28-4-2017 pursuant to the award by the motor accident claims tribunal.
3. The claimants who are legal heirs of deceased Gautam seek withdrawal of amount since being in dire need of the same. Gautam lost his life in 2014 in an accident.

4. Having regard to the circumstances and the nature of dispute, it would sub-serve the interest of justice if the applicants are allowed to withdraw fifty per cent of the amount deposited in this court subject to filing an undertaking that they will pay back / redeposit the amount in this court if decision in the appeal goes against them.

5. As such, applicants are allowed to withdraw fifty per cent of the amount deposited in this court upon furnishing an undertaking that the amount being withdrawn under this order would be deposited in this court within a period of three months from the date of decision in appeal, if the decision goes against them. Undertaking to be filed within three weeks from today. Upon filing undertaking as directed, fifty per cent of the amount deposited in this court pursuant to the award be allowed to be withdrawn by them. The amount withdrawn shall be disbursed equally among the applicants.

6. Civil application is allowed and disposed of.

SUNIL P. DESHMUKH
JUDGE

pnd/-