

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CA/4030/2018 IN CA/4523/2017 IN FA/1135/2017

KAVERI BALAJI DHAGE AND ANR  
VERSUS  
ATMARAM MAROTI BUDHE AND ORS

...  
Mr. S.V. Chandole, Advocate h/f Mr. A.S. Deshmukh, Advocate  
for applicants

Mr. Ajinkya Kale, Advocate h/f Talekar and Associates for  
respondents no. 1 and 2

...

CORAM : SUNIL P. DESHMUKH, J.  
DATE : 20-03-2018

ORDER :

1. Learned counsel for applicants submits that prayer clause (B) is not being presently pressed and it may be left open for applicants to make fresh application in respect of the same.

2. In view of the same, applicant would be at liberty to file an appropriate application for the same.

3. Heard learned counsel for the parties in respect of prayer clause (C).

4. The applicants are wife and daughter of the deceased, who is stated to be *karta* of the family and had been the only earning member. He has been permanently lost to applicants. With his death in vehicular accident, income source of the family has been affected. Accident had taken place in the year 2009 and since then, the applicants' economic condition had been continuously deteriorating and living day to day life has become pitiable.

5. In the circumstances, the applicants seek withdrawal of the amount deposited in this court.

6. Learned counsel for respondents no. 1 and 2 purports to resist stating that liability may not be incurred by respondents no. 1 and 2. As on the date, claim of applicants for compensation is vindicated under the award of tribunal. Their aforesaid conditions have not been seriously disputed.

7. In the circumstances, it would be expedient to allow the application in terms of prayer clause (C).

8. Accordingly, civil application is allowed in terms of prayer clause (C), subject to the applicants filing undertaking that they would pay back / re-deposit the amount in this court within a

period of three months from the date of decision in appeal, if the same goes against them.

9. Civil application is accordingly disposed of.

[SUNIL P. DESHMUKH]  
JUDGE

arp/