

CIVIL APPLICATION NO. 5177 of 2018
IN
FIRST APPEAL NO. 231 of 2004

Mr Anil A. Joshi, Advocate for applicants
Mr S.V. Kulkarni, Advocate for respondent No.3
Mrs Ranjana D. Reddy, Advocate for respondent No.4

DATE : 27th April 2018

Learned Counsel for applicants submits that this is an application for withdrawal of amount deposited by respondents No. 4 and 5 in First Appeal No. 231 of 2004 with interest accrued thereon. He further submits that the First Appeal has been partly allowed under the Judgment and Award of this Court dated 03-05-2016. Pursuant to the same, respondent No.4 in the First Appeal has deposited 50% of the amount of compensation to the extent of its liability and, as such, appellants in First Appeal have filed this present application. He further refers to that rest of the applicants including legal heirs of deceased parents of the

deceased/claimants No. 4 and 5 have no objection to pay amount of their share to applicant No.1 and they have filed affidavits before this Court that applicant No.1/wife may be allowed to withdraw amount deposited in this Court. He submits that similar affidavits have also been filed on behalf of applicants No. 2 and 3.

2. In the circumstances, the learned Counsel for respondent No.4 submits that she has no particular instructions with regard to developments about applicant No.1 being allowed to withdraw amount. However, she leaves it to the Court to pass appropriate orders.

3. In the circumstances, it would be expedient to allow the application in terms of Prayer Clause "B". Applicant No.1, however, shall file indemnity bond before this Court that in case claims are raised in respect of aforesaid withdrawal by applicants No. 2 to 5 including legal representatives of deceased applicant No.4, she will take its care and respondent No.4 would not be held responsible and liable to any payment.

4. Civil Application is, accordingly, disposed of.

**(SUNIL P. DESHMUKH)
JUDGE.**