

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7433 OF 2018

in

First Appeal No. 1369 of 2016

ASHWINI D/O GOVIND WAGH AND OTHERS

VERSUS

THE DIVISIONAL CONTROLLER, M.S.R.T.C. & ANR.

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Mr. Mohit R. Deshmukh, Advocate for the Applicants

Ms. Reddy Ranjana D. for respondent No.1

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CORAM : K.K. SONAWANE, J.

DATE : 14th JUNE, 2018

PER COURT :

Heard learned counsel Shri M.R. Deshmukh for the applicant and learned counsel Ms. R.D. Reddy for respondent No.1. Nobody present on behalf of respondent No.2. Perused the application.

2. The learned counsel for the applicants submits that pursuant to the Award passed by the Tribunal, the respondent-M.S.R.T.C. has already deposited total sum of Rs.54,30,000/- towards compensation for the death of deceased son of applicant No.2 Govind. Earlier, there was order

granting permission to withdraw the amount, but, at that time, the applicant No.1 Ashwini was minor girl. Therefore, this Court allowed the applicants parents to withdraw an amount of Rs.15,00,000/- from the amount of compensation deposited by respondent-M.S.R.T.C. in this Court. As per the Judgment and Award, the total sum of Rs.6,30,000/- was directed to be deposited in the name of applicant No.1-Ashwini with rider that the claimant-applicant Ashiwini be permitted to withdraw the said amount of Rs.6,30,000/- only after attaining the age of majority.

3. The learned counsel Mr. M.R. Deshmukh for the applicants submits that the minor applicant-Ashwini i.e. applicant No.1 has now attained the age of majority and her marriage is also fixed and scheduled to be held on 18th June, 2018 at village Talani, Taluka Sillod, District Aurangabad. The Marriage-Card is produced on record. According to learned counsel, the applicant Nos.2 and 3 being her father and mother respectively are in need of amount for marriage of the applicant No.1. Therefore, the compensation amount deposited in her name may be allowed to be withdrawn to sub-serve the purpose in the interest of justice.

4. In view of attending circumstances on record and the submissions made herein above, it is not in dispute that the compensation amount of Rs.6,30,000/- with accrued interest thereon was directed to be

deposited in the name of minor Ashwini till her attaining age of majority. At this juncture, the learned counsel Shri Deshmukh made statement at Bar that the minor applicant Ashwini has already attained the age of majority. Therefore, there is no impediment to allow the applicant-Ashwini for withdrawal of an amount of Rs.6,30,000/- with interest accrued thereon, which would serve the purpose to incur expenses for her marriage scheduled to be held on 18th June, 2018. Accordingly, the application deserves to be allowed. The applicant Nos.2 and 3 are the parents of applicant No.1-Ashwini. This Court has already granted permission to the appellant Nos. 2 and 3 for withdrawal of amount of Rs.15,00,000/- vide order dated 8th July, 2016. Therefore, this application is necessary to be considered to the extent of applicant No.1-Ashwini only.

6. In view of above, Civil Application of the applicant No.1-Ashwini d/o Govind Wagh is hereby allowed. The amount of Rs.6,30,000/- awarded to her share are already deposited in the F.D.R. Account in the Nationalized Bank be allowed to be withdrawn with interest amount accrued thereon by the applicant-Ashwini for the purpose of her marriage subject to submitting undertaking that, in case any adverse situation arises after decision of Appeal on merit, she should refund the amount so withdrawn forthwith as per order of this Court. The applicant No.1-Ashwini

be permitted to withdraw the total sum of Rs.6,30,000/- with interest accrued thereon. In the result, application stands disposed of in above terms. Rest of the balance amount deposited in this Court on behalf of respondent-M.S.R.T.C. be invested in the Nationalized Bank for a further period of three years or till decision of the Appeal on merit whichever is earlier.

7. Registry to do needful forthwith for compliance of the present order.

(K.K. SONAWANE, J.)