

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**908 CIVIL APPLICATION NO. 9057 OF 2018
IN
FIRST APPEAL NO. 300 OF 2018**

DIPALI AJIT KATRE & ANR. & ORS.
VERSUS
THE DIVISIONAL CONTROLLER
N.E. [KSRTC] & ORS.

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Mr. S.R.Deshpande, Advocate for Applicants.
Mr. V.G.Kodale h/f Mr. V.D.Gunale,
Advocate for R – 1.
Ms. M.V.Manal h/f Mr. Y.M.Kshirsagar,
Advocate for R – 4 & 5

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**CORAM : V.L.ACHLIYA, J.
DATE : 19th JULY, 2018**

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ORAL ORDER :

1. The applicants have moved this application for withdrawal of amount of Rs. 13,10,442/- [Rupees Thirteen Lakhs Ten Thousand Four Hundred Forty Two] deposited by respondent No. 1/Karnataka State Road Transport Corporation [for short, 'KSRTC'] for the reasons stated in the application.

2. Heard learned counsel for the applicants, learned counsel for respondent No. 1/KSRTC, the appellant, and learned counsel for respondent Nos. 4 and 5.

3. By the impugned Award passed by the Tribunal, the claim of the applicants is allowed to the extent of Rs. 25,62,120/- [Rupees Twenty Five Lakhs Sixty Two Thousand One Hundred Twenty] with interest @ 9% per annum from the date of filing of the petition till realization of the amount. Respondent No.

1/KSRTC, the appellant, initially deposited principal amount as per the Award i.e. Rs. 25,62,120/- vide Order dated 30/01/2018 passed in C.A. No. 750 of 2018. The applicants were permitted to withdraw the amount of Rs. 5,62,120/- [Rupees Five Lakhs Sixty Two Thousand One Hundred Twenty]. The balance amount of Rs. 20 Lakhs [Rupees Twenty Lakhs] has been invested in fixed deposit. Subsequent to the order dated 30/01/2018, respondent No. 1/KSRTC deposited the further amount of Rs. 13,10,442/- [Rupees Thirteen Lakhs Ten Thousand Four Hundred Forty Two] towards the interest accrued and calculated in terms of the Award passed by the Tribunal. For the reasons stated in the application, the applicants are seeking withdrawal of said amount of interest deposited by respondent No. 1. Besides the said amount, the applicants are also seeking withdrawal of Rs. 25,000/- [Rupees Twenty Five Thousand] deposited at the time of filing the Appeal by respondent No.1/KSRTC, the appellant.

4. Applicant No. 1 is the wife and applicant No. 2 is the minor daughter of the deceased, who is prosecuting education. Vide Order dated 30/01/2018, the applicants are already allowed to withdraw amount of Rs. 5,62,120/- [Rupees Five Lakhs Sixty Two Thousand One Hundred Twenty] and balance amount has been kept in fixed deposit with direction to pay the interest accrued over the amount of Rs. 10 Lakhs [Rupees Ten Lakhs] to applicant No. 1. Keeping in mind the interest of the applicants and more particularly the applicant No. 2 who is aged 8 years and prosecuting education, I am of the view that passing of the following order would meet the ends of justice. Hence, the following order.

ORDER

[i] Subject to final out-come of Appeal, the applicants are permitted to withdraw the amount of Rs. 3,35,442/- [Rupees

Three Lakhs Thirty Five Thousand Four Hundred Forty Two] out of total amount of Rs. 13,35,442/- [Rupees Thirteen Lakhs Thirty Five Thousand Four Hundred Forty Two] deposited by respondent No. 1/KSRTC, the appellant, on furnishing usual undertaking to the satisfaction of the Registrar [Judicial]. The balance amount of Rs. 10 Lakhs [Rupees Ten Lakhs] with interest, if any, accrued be invested in fixed deposit with State Bank of India, High Court Branch, Aurangabad initially for a period of three years with standing instructions to renew the same till the further orders from this Court. The interest accrued over the amount invested be paid after every three months to applicant No. 1 for the purpose of maintenance, education and other needs of applicant No. 2 till further orders from this Court or till the applicant No. 2 attains the age of majority, whichever is earlier. The amount of interest accrued over the said amount be credited in the savings bank account of applicant No. 1 by directly transferring the amount in the savings bank account of applicant No. 1 by way of electronic transfer after every three months as per the particulars to be furnished by applicant No. 1.

[ii] In the event the additional amount is required for the urgent needs of minor applicant No. 2, applicant No. 1 will be at liberty to move this Court seeking further withdrawal of the amount.

5. The application disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

