

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 458 OF 2017
WITH
CIVIL APPLICATION NO. 1585 OF 2017
AND
CIVIL APPLICATION STAMP NO. 31144 OF 2018**

Divisional Manager,
North Eastern Karnataka Road Transport
Corporation, Kalburgi, Division-2 ... Appellant

Versus
Kavita Mallesha @ Mallappa Vhanchange
and others ... Respondents

.....
Mr. C. M. Lokeshappa, Advocate for the Appellant.
Mr. Rushikesh Kale, Advocate for the Respondent No.1.

.....

**CORAM : A. S. CHANDURKAR, J.
DATE : 5th DECEMBER, 2018.**

P. C.:

FIRST APPEAL NO. 458 OF 2017

1. Heard.
2. *Admit.*
3. Mr. Rushikesh Kale, learned Counsel waives service on behalf of respondent No.1.
4. Call for the Record and Proceedings.
5. The amount of statutory deposit be transferred to the Claims Tribunal at Solapur.

CIVIL APPLICATION NO. 1585 OF 2017

1. As the appellant has deposited the entire amount of compensation, the execution of the impugned award shall remain stayed during pendency of the appeal.
2. The civil application stands disposed of.

CIVIL APPLICATION STAMP NO. 31144 OF 2018

1. Heard the learned Counsel.
2. Perused the contents of the application and also perused the impugned judgment. In the facts of the case, the claimants are permitted to withdraw 50% of the amount of compensation. Out of that amount, 40% of the amount is permitted to be withdrawn by the claimant Nos. 1 to 4 and 10% amount is permitted to be withdrawn by the claimant Nos. 5 and 6. The claimants shall file undertaking within eight weeks from today that if the appeal is allowed, the amount so withdrawn shall be repaid with interest at such rate the Court may direct. The remaining amount shall be invested in a fixed deposit.
3. The civil application is disposed of.

(A. S. CHANDURKAR, J.)