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

**CIVIL APPLICATION NO.2657 OF 2018
IN
FIRST APPEAL NO.1572 OF 2009**

Smt. Sunita Ashok Salunkhe and ors ... Applicants.

In the matter of

Maharashtra State Road Transport Corpn. ... Appellant

V/s.

Smt. Sunita Ashok Salunkhe and ors ... Respondents

Mr.Dilip Bodake, for the Applicants.
Mr. C. M. Lokeshappa i/by G..S. Hegade, for appellants.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 29th AUGUST, 2018.

P.C. :

1] Heard learned counsel for applicants and learned counsel original appellant.

2] This Application is filed by the original claimants seeking withdrawal of the amount of compensation deposited by the appellant, in this Court.

3] It is submitted that earlier also, similar application was filed, which was partly allowed by this Court on 3.9.2010, thereby allowing claimant No.1 widow to withdraw an amount of Rs.1,50,000/-, out of compensation awarded to her share, without security deposited in this Court.

4] As regards claimant Nos. 2 and 3, they were minor at that time and therefore, it was made clear that after they attain majority, it will be open for them to apply for withdrawal of the amount. Accordingly this application is filed for withdrawal of the amount of their share, as that amount is required for their education. Similarly, the amount of the share of the claimant No.4, the father of the deceased, who is now running the age between 80 to 90 years, is also sought to be withdrawn.

5] Learned counsel for the appellant submits that the appeal is only on the quantum of compensation.

6] Considering that earlier also claimants were permitted to withdraw the amount, this application for withdrawal of amount is granted.

7] As regards the claimant No.4 the father is concerned, having regard to his age, he is permitted to withdraw the entire amount of his share, as apportioned by the Tribunal alongwith interest accrued thereon.

8] So far as claimant Nos. 2 and 3 children are concerned, they are permitted to withdraw 50% of the amount of their share alongwith the proportionate interest accrued thereon, without security, but subject to filing of the undertakings by them.

9] Application is disposed off in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]