

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

945 CIVIL APPLICATION NO.3666 OF 2019

IN FA/1842/2018

SAVITA ABARAO TAKALE AND ORS

VERSUS

SK. AFSAR SK. HANIF AND ORS

...

**Advocate for Applicants : Mr. K.B. Jadhav h/f Ms.P.S.
Kingaonkar.**

Advocate for Respondent No.3 : R. H. Dahat & S.S. Patil

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 21st JUNE 2019

ORDER :

1. Present application has been filed for withdrawal of decretal amount which has been deposited by respondent No.3. Respondent No.3 has deposited amount of Rs.26,69,094/-.

2. The application has been objected on the ground that the appeal has been filed on the ground of quantum. The learned tribunal while assessing the compensation has wrongly taken a base of income of Rs.10,000/- when the deceased was only a labour on a brick-kiln. So also

the future prospectus has been added to 50% and under such circumstance, the exorbitant amount of compensation has been allowed.

3. Taking into consideration the objection, but at the same time the fact is also required that the sole earning member of the family of the applicants has expired and for their survival, definitely, some amount deserves to be allowed to be withdrawn.

4. Applicant No.1 is allowed to withdraw the amount of Rs.3,00,000/-. Applicant Nos.2 and 3 are allowed to withdraw amount of Rs.1,50,000/- each and applicant No.4 is allowed to withdraw an amount of Rs.2,00,000/- from the amount that has been deposited in this Court.

5. They should file undertaking within a period of one month from the date of this order that they would make good the said amount, if directed at the time of final disposal of the appeal.

6. On this condition, Civil Application stands disposed of.

(Smt. Vibha Kankanwadi, J.)

Shubham/