

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

**984 CIVIL APPLICATION NO.7132 OF 2019
IN FA/1314/2014**

**ARCHANA ARUN JOSHI AND ORS
VERSUS
INDIAN AIRLINES CORPORATION LTD. AND ORS**

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Advocate for Applicants : Mr. Vakil Laharimanohar D.
Advocate for Respondent No.1 : Mr. J. V. Deshpande
Advocate for Respondent No.5 : Mr. N. S. Chaudhary

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 12th JULY 2019

ORDER :

1. Present application has been filed for withdrawal of the amount deposited by respondent No.1. It is contended that the applicant No.5-Ramabai had expired on 08-07-2008 that was during the pendency of the Special Civil Suit No.475 of 1995 and it is stated that the present applicants are the only legal heirs. Even though no explanation has been given, as to why the legal heirs was not brought on record or pursis to that effect was not filed before the concerned Court. The fact is that only applicant Nos.1 to 4 are her legal heirs and therefore, they are entitled to get the amount of compensation which was granted to her share. As regards their own share also, it appears that the amount is with this Court. The applicants have come with the

request that since they are residents of United States of America, they have executed General Power of Attorney and they requested that the amount be transferred to United States of America. It is also stated that applicant Nos. 2 and 3 are not having bank account in India and it is stated that applicant Nos.1 and 4 are having bank account in India. Taking into consideration the difficulty of the applicants, the application is allowed in terms of prayer clause 'B' and 'C'.

2. It is clarified that if any charges are required to be borne for transfer of the amount, then the General Power of Attorney of the applicants should bare it. So also he should issue the requisite receipt on behalf of all the applicants to this Court regarding receipt in respect of payment of the amount to applicant Nos. 1 and 4.

(Smt. Vibha Kankanwadi, J.)

Shubham/