

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

**982 CIVIL APPLICATION NO.13333 OF 2018
IN FA/159/2016**

**VIMALBAI RAOSAHEB BHUJANG AND OTHERS
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION THR ITS
DIVISIONAL CONTROLLER, AURANGABAD**

...
Advocate for Applicants : Mr. Gore Ravindra Vitthal
Advocate for Respondent : Mrs. Ranjana D. Reddy
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13th SEPTEMBER, 2019.

ORDER :

. Learned Advocate appearing for the applicants submits that he has taken instructions and on those instructions, he is making statement that except applicant Nos.1 to 3, no other legal heirs have been left by applicant No.4.

2. The applicants are claiming withdrawal of the amount in disposed of case. In first appeal No.159 of 2016 filed by the present applicants itself, which was decided by this Court on 01.04.2016, it was held that they are entitled to get compensation of Rs.4,33,000/- together with interest at the rate of 7.5% per annum from the date of the petition till

actual realization of the entire amount. The said appeal was the outcome of judgment and award passed in M.A.C.P. No.239 of 2006 passed by learned District Judge-1, Aurangabad on 30.06.2007. While passing the said award, applicant No.4 (now deceased) was given equal share to the other claimants and now in view of the fact that she has expired and has been survived by applicant Nos.1 to 3, her share deserves to be merged in the decretal amount and then distribution is required to be made. It appears that as per the award passed by the tribunal, the amount was deposited and it was withdrawn by the applicants and after the judgment was pronounced by this Court, the respondent has deposited amount of Rs.1,45,680/-. Therefore, taking into consideration the fact that the applicant No.3 is already married and she got her share also, the applicant No.1, at present, who is now required to run the house, allowed to withdraw entire amount deposited in this Court.

3. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM