

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

CIVIL APPLICATION NO. 582 OF 2019

In

FIRST APPEAL NO.1237 of 2018

Mr. Rajendra Visanji Thakkar & Anr.

..Applicants.

Versus

The Transport Manager

Thane Municipal Transport Undertaking.

..Respondent.

Mr.Rahul Mehta I/b K.M.C. legal venture for the Applicants.

Mr.N.R.Bubna, for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 24th JUNE, 2019.

P.C.

1. The applicants, who are the original claimants have by this application sought to withdraw the compensation deposited by the appellant-Undertaking in compliance with the impugned judgment and award dated 05.07.2018 passed by the MACT, Thane in MACP No. 284/2015.

2. The applicants are the parents of the deceased. In view of the reasons stated in the application and considering the grounds raised

by the appellant-Undertaking in the appeal memo, in my considered view, the interest of justice would be met by allowing withdrawal of 50% compensation, which shall be subject to the final outcome of the appeal. The applicants shall furnish an undertaking before the tribunal that they shall abide by the final orders that may be passed in this appeal.

3. Application stands disposed of.

4. The learned counsel for the respondent no. 1 and 2 /original claimants makes a statement that these respondents do not wish to file cross objection.

5. The learned counsel for the appellant and respondents state that appeal may be disposed of finally at the stage of admission. Considering the narrow controversy involved in the matter, with consent of the parties, appeal be listed for final hearing on 11 July, 2019.

(ANUJA PRABHUDESSAI, J.)