

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

Civil Application No.681/2019
in
First Appeal No. (ST) 35564/2016

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mrs. A. K. Mandeni & Mr. H. M. Trivedi for
the Applicant
Mr. Devendranath S. Joshi for the Appellant

CORAM : K.K.TATED, J.
DATED : 18/03/2019

P.C.

1 Heard. By this Application, the Applicant is seeking permission to withdraw 25% of the amount deposited by the Appellant in the Tribunal.

2 The learned counsel for the Applicant submits that the Applicant No.1 lost her husband in the accident which occurred on 08.01.2008. She submits that on the basis of the evidence and documentary evidence, the tribunal held that the claimants are entitled to sum of Rs.1,28,93,820/- by way of compensation, with interest. She submits that at present, the Applicant does not have any source of income. She needs amount for

education of her children. To that effect she has placed on record documentary evidence being Exhibit-A. She submits that if the Civil Application is not allowed irreparable loss will be caused to them.

3 Though the Civil Application is duly served on the Appellant, they failed and neglected to file Affidavit in Reply.

4 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

5 Hence, the following order is passed:

- a. The Applicant is permitted to withdraw 25% of the amount deposited by the Appellant insurance company in the Trial Court, unconditionally but subject to outcome of the appeal.
- b. Civil Application stands disposed of accordingly.
- c. No order as to costs.

(K.K.TATED, J.)