

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

CIVIL APPLICATION NO.3720 of 2016

IN

FIRST APPEAL NO.1307 OF 2009

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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Mr.Sachin Gite for the applicant

Mr.C.M.Lokesh for the respondent no.2

**CORAM : K. K. TATED, J
DATE : MARCH 26, 2019**

P.C.:

. Heard.

2 By this Civil Application Applicant original claimant is seeking permission to withdraw the amount deposited by the appellant in the Tribunal.

3 The learned counsel for the applicant submits that as per judgment and award dated 30.04.2008 passed by MACT Nashik in MACP No.874 of 2001, Tribunal is directed appellant to pay sum of Rs.13 lacs by way of compensation along with interest @ 7% p.a. to

the Applicant no.1, 2 and 4.

4 The learned counsel for the Applicant submits that earlier Applicant withdraw sum of 5 lacs He submits that Applicant nos.1 and 2 are senior citizen. They require amount for their medical treatment. He submits that at present, Applicant do not have any source of income.

5 The learned counsel for the Appellant submits that earlier Applicant already withdrew Rs.5 lacs. He submits that First Appeal is ready for final hearing. He submits that instead of allowing Applicant to withdraw the amount, this court be pleased to place First Appeal on board for final hearing.

6 Considering the submissions made by the learned counsel for the Applicant and as Applicant requires amount for medical purpose, I am of the opinion that they may be permitted to withdraw some amount without furnishing any security subject to outcome of the First Appeal. Hence, following order is passed:

- a. Applicant no.1, Kantilal Kanhaiylal Lahoti and Applicant no.2 Jayashree Kantilal Lahoti is permitted to withdraw sum of Rs. 2 lacs each without furnishing any security.
- b. Applicant no.4 Reema Kantilal Lahoti is

permitted to withdraw sum of Rs.1 lac without furnishing any security subject to outcome of the First Appeal.

c. Civil application stands disposed off accordingly.

d. No order as to costs.

(K.K.TATED, J.)