

vks

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

**CIVIL APPLICATION NO.59 OF 2016
IN
FIRST APPEAL NO.1511 OF 2011**

SMT. Surekha Ranba Gund and ors ... Applicants.

In the matter between

The Municipal Corporation of Greater
Mumbai, B.E.S.T. Undertaking ... Appellant
V/s.

SMT. Surekha Ranba Gund and ors ... Respondents

Mr. T.J. Mendon, for the applicant.
Ms. Shraddha Chheda, i/by Navdeep Vora & Associates,
for respondent .

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 17th JANUARY, 2019.

P.C. :

1] This application is seeking withdrawal of the amount of compensation.

2] Learned counsel for the appellant submits that as per order passed by this Court on 17th August, 2011, claimants were permitted to withdraw an amount of Rs.1,00,000/-and therefore, this application cannot be entertained.

3] Learned counsel for the claimants submits that that

amount of Rs.1,00,000/- is not withdrawn by claimants, as the applicants were not aware of the said order. Moreover, it is submitted that the said amount is not sufficient for them. Hence, considering their requirement and as applicant No.1, is widow of the minor children, they are permitted to withdraw 50% of the amount compensation deposited in the Court, including amount of Rs.1,00,000/- subject to furnishing of usual undertaking.

4] Application is disposed off.

[DR.SHALINI PHANSALKAR-JOSHI, J.]