

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

**CIVIL APPLICATION NO. 4426 OF 2018
IN
FIRST APPEAL (ST.) NO. 22820 OF 2018**

Shivaperumal Sankarlingam & Ors.	...	Applicants
<u>In the matter between :-</u>		
The Municipal Corporation of Greater Mumbai	...	Appellant
V/s.		
Shivaperumal Sankarlingam & Ors.	...	Respondents

- Ms.Gauri S. Joshi i/b. S.K. Legal Associates for the Appellant.
- Mr.T.J. Mendon for the Applicants- Org. Respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 23rd JANUARY, 2019.

P.C. :

1] Heard learned counsel for the Applicants and learned counsel for the Appellant.

2] This Application is preferred by the Applicants-Claimants seeking withdrawal of the amount of compensation deposited in the Court.

3] Learned counsel for the Applicants-Claimants submits that the marriage of Applicant No.3 is to take place and for that purpose the amount is required.

4] Learned counsel for the Appellant opposes the said application on the ground that the appeal is preferred not only on the ground of quantum of compensation but also on the ground of negligence.

5] In view thereof, the Applicants-Claimants cannot be permitted to withdraw the entire amount of compensation. However, they are permitted to withdraw 50% of the decretal amount deposited in the Court, subject to furnishing of usual undertaking.

6] The Civil Application is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]