

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

917 CIVIL APPLICATION NO.8413 OF 2020
IN FA/3322/2019 WITH CA/6869/2019
IN FA/3322/2019

SHILA SHIRIDHAR METE AND ORS
VERSUS
DIV. CONTROLLER M.S.R.T.C., PARBHANI

.....
Mr. S.V.Suryawanshi, Advocate for Applicants.
Mr. A.D.Wange, Advocate for Respondent.

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CORAM : V.L.ACHLIYA, J.
DATE : 16/12/2020
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ORAL ORDER :

1. The applicants have moved this application seeking further withdrawal of amount for the reasons mentioned in the application.
2. Heard learned counsel for applicants and counsel representing the appellant/Insurance company.
3. In brief, it is the contention of learned counsel for applicants that applicant No. 1 entered into agreement to purchase land admeasuring 40 R. out of G.No. 57 situated at village Gavha, Taluka and District Parbhani for the consideration of Rs. 6,00,000/- [Rupees Six Lakhs]. She has paid Rs. 50,000/- [Rupees Fifty Thousand] as earnest money and agreed to pay balance consideration of Rs. 5,50,000/- before the end of this year for the purpose

of purchase of land. It is submitted that applicants have no source to arrange the funds for purchase of land.

4. On the other hand, learned counsel for appellant/Insurance company opposed the application and submits that this Court already passed order and allowed withdrawal of amount to the extent of Rs. 4,50,000/- and further directed that the interest accrued to be regularly paid to applicant No. 1 for her maintenance and maintenance of her minor children i.e. applicant Nos. 2 and 3 and parents of deceased. It is submitted that before entering such transaction, no permission was obtained from this Court. The purpose disclosed appears to be concocted.

5. On due consideration of submissions advanced in the light of order dated 11/12/2019 passed in Civil Application 14315 of 2019, I am of the view no case is made out to entertain the request to allow the applicants to withdraw the amount of Rs. 5,50,000/-. The order dated 11/12/2019 was passed after considering over all facts of the case and challenge raised in Appeal and keeping in view the interest of the minors. The applicants have already withdrawn Rs. 4,50,000/- to address their immediate needs. The balance amount is directed to be invested in fixed deposit and interest accrued over the same to be transferred to the savings bank account of applicant

No. 1 for her maintenance as well as maintenance of her minor children. Keeping in view the interest of minors, it is not desirable to allow withdrawal of amount for the purpose disclosed in the application. I am, therefore, not inclined to entertain the application.

6. The application is rejected.

[V.L.ACHLIYA]
JUDGE

KNP