

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

INTERIM APPLICATION NO. 2650 OF 2021

(For withdrawal of amount)

IN

FIRST APPEAL (STAMP) NO. 8835 OF 2021

1. Girish Narhal Joshi & Anr. ... Applicants

IN THE MATTER BETWEEN :

Divisional Controller, M.S.R.T.C. ... Appellant

Vs.

1. Girish Narhar Joshi
& Anr. ... Respondents

Mr.Pritesh K. Bohade for applicants/respondents.

Mr. Nitesh V. Bhutekar for appellant.

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CORAM : N.J. JAMADAR, J.

DATE : 4th October, 2021

PER COURT :

1. Heard the learned counsel for the applicants-respondents and the learned counsel for the appellant.

2. This application is preferred to allow the applicants to withdraw some amount from the remaining amount of compensation deposited in terms of the judgment and award dated 14th January 2020, passed by the learned Member, Tribunal Nashik, whereby the appellant was ordered to pay compensation of Rs.72,57,508/- along with interest @ 7% per annum from the date of the application till realization.

3. In pursuance of the order dated 28th June 2021, the

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appellant has deposited the entire amount of compensation along with interest accrued thereon.

4. The applicants aver that the applicants find it difficult to sustain themselves in the prevailing circumstances as the deceased was the bread-winner of the family. The applicants are in their late fifties.

5. In the backdrop of the situation in life of the applicants, and the claim that the applicants were dependent upon the deceased for necessities in life, it would be expedient to allow the applicants to withdraw a portion of the amount compensation deposited by the appellant.

6. Hence, the following order :

O R D E R

(i) The application stands partly allowed.

(ii) The applicant Nos.1 and 2 are entitled to withdraw 50% of the amount of compensation awarded to each of them along with the interest accrued thereon, subject to furnishing an undertaking before the learned Member, Tribunal Nashik, to bring back the amount in the event it is held that the applicants are not entitled to receive the compensation.

(N.J. JAMADAR, J.)