

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

**INTERIM APPLICATION NO. 2258 OF 2021
(For withdrawal of amount)**

IN

FIRST APPEAL (STAMP) NO. 13541 OF 2021

Smt. Mayadevi L. Sharma ... Applicant

IN THE MATTER BETWEEN :

Union of India ... Appellant

Vs.

Lavkush R. Sharma
(deceased) & Anr. ... Respondents

...

Mr. Piyush Shah a/w. Mr. Jay Vora for applicant.

Mr. T.J. Pandian a/w. Mr. T.C. Subramanian for appellant.

.....

CORAM : N.J. JAMADAR, J.

DATE : 4th October, 2021

PER COURT :

1. Heard the learned counsel for the applicant and the learned counsel for the appellant.

2. This application is preferred to permit the applicant to withdraw the entire amount of compensation of Rs.9,35,912/-, deposited by the respondent-appellant in terms of the judgment and award dated 30th April 2019 passed by the Railway Claims Tribunal, Mumbai Bench, Mumbai.

3. The applicant claims that the deceased was the only breadwinner of the family. She has nobody to support and is residing

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with her daughter. Therefore, the applicant be permitted to withdraw the entire amount.

4. The learned counsel for the respondent-appellant resisted the prayer of the applicant.

5. It seems that the applicant lost her young son in the accident. Her claim that she is not in a position to support the necessities of life, appears reasonable. Having regard to the amount of compensation, in my considered view, the applicant can be allowed to withdraw the entire amount of compensation, subject to furnishing an undertaking to this Court to bring back the amount in the event it is held that the applicant is not entitled to receive the compensation.

6. Hence, the following order :

ORDER

(i) The application stands allowed in terms of prayer clause (a), subject to the applicant furnishing an undertaking before this Court that, the applicant will bring back the amount in the event the appeal is allowed and it is held that the applicant is not entitled to receive the compensation.

(N.J. JAMADAR, J.)