

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

CIVIL APPLICATION NO.257 OF 2019

IN

FIRST APPEAL NO.350 OF 2019

Alka V. Kandhare & Anr.]...Applicants.

IN THE MATTER BETWEEN:

State Transport Corporation]

(S.T.)Swargate, Pune]

through its Manager]... Appellant.

Vs.

Alka V. Kandhare & Anr.]...Respondents.

....

Mr.Yuvraj P. Narvankar a/w Mr. Adwait Agashe for applicants.

Mr.Prasad Avhad i/b Mr. Kuldeep Nikam for respondents.

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 23RD FEBRUARY, 2021.

P.C. :

1. This is an application for withdrawal of decretal amount deposited in M.A.C.T., Pune by the appellant State Transport Corporation pursuant to the judgment and award passed by M.A.C.T. Pune, in M.A.C.P. No.1009/2009.

2. Heard Mr.Narvankar, the learned Counsel for the

applicants/original claimants. This is an admitted appeal. Learned Counsel appearing for the appellant had already made a statement before this court that the entire amount of compensation with interest has been deposited in the tribunal.

3. The deceased was a ex-serviceman who, had unfortunately succumbed to the injuries sustained by him in an accident involving Bus of the appellant. It is contended that he was the sole bread winner of the family. The applicants are in need of money for their day to day expenses. The applicant/widow has no independent source of income. Thus, due to extreme financial constraints, the applicants seek to withdraw the amount of compensation. Mr.Prasad Avhad, the learned Counsel holding for Mr.Nikam, on behalf of the respondents submits that today he has no instructions in this matter.

4. Looking to the facts set out in paragraph 9 of the application, at this stage, the applicants are permitted to withdraw 50% of the amount of compensation with accrued interest from M.A.C.T., Pune.

5. The applicants shall give an Undertaking that in case, the appeal succeeds, they shall refund the entire amount with interest depending upon the outcome of the appeal.

6. If the appellants fail to give an Undertaking, the M.A.C.T.,Pune, shall deposit the entire amount in any Nationalized Bank for a period of one year if not already deposited.

7. If 50% of the amount is withdrawn by the applicants, balance shall be invested in a similar manner for a period of one year.
8. The application stands disposed of.

(PRITHVIRAJ K.CHAVAN,J.)