

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAF) No.1568 of 2020

IN

First Appeal No.410 of 2018 (D)

Firdos wd/o. Aasif Sheikh & Ors. Vs. Union of India, thr. The General Manager, Central Railway

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

 Ms. S.V. Salwankar, Advocate for the Appellants.
 Shri R.G. Agrawal, Advocate for the Respondent-sole.

CORAM : S.M. MODAK, J.
DATE : 4th JANUARY, 2021.

Heard learned Advocate Ms. S.V. Salwankar for the appellants/original claimants and learned Advocate Shri R.G. Agrawal for the respondent/Union of India.

2. Read the judgment dated 13th April, 2018 passed by this Court in First Appeal No.410/2018. At that time, the statutory compensation along with the interest was Rs.4,00,000/-. The applicability of notification dated 22nd December, 2016 to the incidents prior to that date was a subject matter before the Hon'ble Supreme Court. This was clarified by Hon'ble Supreme Court in case of **Union of India Vs. Rina Devi** reported in **AIR 2018 SC 2362**.

3. This Court has directed to deposit an amount of Rs.4,00,000/- in fixed deposit and only the interest was to be disbursed to the appellants. Now, the Union of India has deposited Rs.2,55,425. It is the remaining amount out of Rs.8,00,000/- as clarified by Hon'ble Supreme Court. This Court on 19th December, 2019 has mentioned this fact. *Vide* order dated 10th August, 2018, this

Court has already rejected the prayer for withdrawal. Now, the claimants are coming with fresh prayer for withdrawal. It is submitted that they do not want to withdraw the amount as deposited as per the final judgment of this Court. They want to withdraw the enhanced amount i.e. Rs.2,55,425/-. The reasons are given in the application for withdrawal.

4. It is submitted that all the claimants be disbursed the amount equally. So, it comes to Rs.63,857/- approximately $(2,55,425 \div 4)$. I think the entire share of the minor appellant No.2 - Arhan cannot be allowed to be withdrawn. Ultimately, the Court has to protect his interest. No one will be having any control on spending of his share. So, at least Rs.25,000/- be kept in fixed deposit out of Rs.63,857/- till he attains the majority. Hence the direction:-

The Railway Claims Tribunal, Nagpur is directed to disburse $\frac{1}{4}^{\text{th}}$ of Rs.2,55,425/- to appellant No.1 – Firdos, appellant No.3 – Salim and appellant No.4 - Shamimbanu as per their office procedure.

The Railway Claims Tribunal, Nagpur is directed to keep an amount of Rs.25,000/- in a fixed deposit in the name of appellant No.2 – Arhan through her natural guardian - mother i.e. appellant No.1 – Firdos initially for a period of five years and it can be renewed time to time depending upon the situation.

The Railway Claims Tribunal, Nagpur is directed to disburse the amount which remains from Rs.63,857/- after deducting an amount of Rs.25,000/- in favour of

appellant No.1- Firdos as a guardian of appellant No.2 – Arhan.

The amount be disbursed after complying their office procedure.

The Railway Claims Tribunal, Nagpur is directed to issue necessary directions to Union Bank of India.

The civil application is disposed of.

JUDGE