

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

42 CIVIL APPLICATION NO.3492 OF 2022
IN FAST/575/2019

GAWLANBAI CHANDRAKANT KURANE

VERSUS

THE EXE. ENGINEER, CONSTRUCTION (NIRMAN) DIV., CENTRAL
RAILWAY, SOLAPUR AND OTHERS

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Advocate for Applicants : Mr. R. P. Bhumkar.

Advocate for Respondent No.1 : Mr. M. N. Navandar.

AGP for Respondent Nos.2 & 3 : Mr. P. M. Kulkarni.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 21st March, 2022.

P.C.:

. It is an application for withdrawal of amount moved by the applicant/original claimant.

2 Heard Mr. Bhumkar, learned counsel for the applicant/claimant, Mr. Navandar, learned counsel for respondent No.1 and Mr. Kulkarni, learned AGP for respondent Nos.2 and 3.

3 Mr. Navandar, learned counsel for respondent No.1 strongly opposed to allow this application. By alternate submission, he submitted that at the most 50% amount may be allowed to be withdrawn.

4 Mr. Bhumkar, learned counsel for claimant submitted that the claimant is an old aged lady and she is in need of money and she may be allowed to withdraw 100% amount of the compensation.

5 Perused the impugned judgment and award passed by the Reference Court in LAR No.42 of 2009. It is revealed that the SLAO was pleased to award compensation at the rate of Rs.400/- per R. The Reference Court was pleased to enhance the amount at Rs.2,240/- per R, which is more than four times. By considering the grounds raised in the appeal memo and looking to the fact that the claimant is an old aged lady and she is in need of money and looking to the practice followed by this Court, the application needs to be allowed.

6 Mr. Bhumkar, learned counsel for claimant points out that the original claimant is an old aged lady. It is difficult for her to travel from village to this place. He, therefore, requested to transfer the amount to the Reference Court so that she may approach the Reference Court and withdraw the amount.

7 Having considered the submissions of Mr. Bhumkar, learned counsel for the applicant/claimant, Mr. Navandar, learned counsel for respondent No.1 and Mr. Kulkarni, learned AGP for the State, it would be just and proper to allow the claimant to withdraw 75% of the amount of compensation with accrued interest thereon. It would meet the ends

of justice.

8 Mr. Bhumkar, learned counsel for applicant/claimant submitted that it would be convenient for the lady claimant to withdraw the amount of compensation from the Reference Court and seeks directions to the Registry. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed as under:
- II. The applicant/claimant is permitted to withdraw 50% of the amount of compensation with accrued interest thereon on furnishing usual undertaking with the Reference Court.
- III. The applicant/claimant is further permitted to withdraw 25% of the amount of compensation with accrued interest thereon on furnishing solvent surety/security to the satisfaction of the Reference Court.
- IV. The Registry is directed to transfer 75% of the amount of compensation with accrued interest thereon to the Reference Court for making payment thereof in view of the above terms and conditions.

- V. Remaining 25% balance amount shall be invested in fixed deposit account in any Nationalized Bank initially for a period of one year with renewal clause by the Registry.
- VI. The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI, J.]

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