

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**919 CIVIL APPLICATION NO.5084 OF 2022
IN
FA/1115/2008**

**SUMANBAI HANMANT SALUNKE AND OTHERS
VERSUS
THE DIVISIONAL CONTROLLER, MSRTC DIVISION OFFICE,
LATUR AND OTHERS**

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Advocate for Applicants: Mr. N. G. Kale
Advocate for Respondent No.1: Mrs. R. D. Reddy

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CORAM: SHRIKANT D. KULKARNI, J.

DATE: 08th APRIL, 2022

PER COURT:

1. It is an application moved on behalf of claimants / applicants seeking permission to withdraw the amount deposited by the appellant / M.S.R.T.C. in view of the liberty given by this Court while deciding Civil Application No.3265 of 2008.

2. Mr. N. G. Kale, learned Counsel for the applicants / claimants invited my attention to the order passed by this Court in Civil Application No. 3265 of 2008 dated 03.07.2008. He submitted that in view of the liberty granted by this Court,

this application has been moved. He seeks permission to withdraw the amount which was invested in the Fixed Deposit Account of applicant No.2 who was minor at that time. He submitted that applicant No.2 Ashwini @ Priyanka Hanmant Salunke has now become major and the applicants are in need of money.

3. Mrs. R. D. Reddy, learned Counsel for the appellant / M.S.R.T.C. strongly opposed to allow this application. She submitted that the appeal is old and it can be taken up for final disposal.

4. I have considered the submissions of both the sides. I have also gone through the copy of the order earlier passed by this Court in Civil Application No.3265 of 2008 dated 03.07.2008.

5. This Court has given liberty vide order dated 03.07.2008 to the applicants / claimants to apply for modification of the order as and when she attains the majority and accordingly she has moved the application for withdrawal of the amount. It

is pointed out by Mr. N. G. Kale, learned Counsel for the applicants that Rs.30,000/- has been invested in the name of applicant No. 2 who has now become major. He invited my attention to the photocopy of the 2 Fixed Deposit Receipts of the Dena Bank now merged in Bank of Baroda. It is evident from the record that applicant No.2 / Ashwini @ Priyanka Hanmant Salunke has now become major. She is taking education.

6. By considering the facts that after passage of time applicant No.2 has become major she must be in need of money for education expenses as well as for other purposes. Even though the appeal is old, I do not find any reason to refuse the permission. The appeal can be taken for final disposal in the month of June.

7. By looking to the grounds raised in the application, the applicant No.2 / Ashwini @ Priyanka Hanmant Salunke is hereby permitted to withdraw 50% of the amount invested in her name i.e. Rs.15,000/- with accrued interest thereon on

furnishing usual undertaking with the the
executing Court / M.A.C.T., Latur. To that extent
the order passed by this Court dated 03.07.2008
stands modified. The Registry no note and forward
the copy of this order to the concerned M.A.C.T.
for compliance.

8. Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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