

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

43 CIVIL APPLICATION NO.9898 OF 2022
IN FA/562/2019

RANJANABAI SAKHARAM BORSE AND ORS
VERSUS
PRASHANT PANDURANG PATIL

...
Advocate for Applicants : Mr. Bhokarikar Madhav M.
Advocate for respondent Mr. Nisargraj Garje h/f V.d. Salunke
...

**CORAM : S. G. DIGE, J.
DATE : 11.07.2022**

PER COURT :-

Heard learned counsel for the applicant and learned counsel for respondent. Learned counsel for applicant submits that respondent has deposited 50% amount out of the award amount. Till date, applicants have not received any compensation amount. Deceased was Karta of family of the applicant. There is no other source of income to the applicants, they are facing financial crises for daily activities. Applicant is needed money for education purpose of applicant No.3, hence requested to allow the withdraw deposited amount.

2. Learned counsel for respondent submits that respondent impugned order passed by learned tribunal on various grounds. Respondent has hope that respondent will

succeed in appeal. If the applicant is allowed to withdraw it is difficult for respondent to recover it if the respondent succeed in appeal. Hence requested to dismiss the application.

3. Considering submission of learned counsel as well as husband of applicant No.1 is died in the accident, he was Karta of the family. There is no source of income to the applicants they need the money for their day to day activity. Hence I pass the following order.

ORDER

- (i) Applicants are permitted to withdraw 25% of the amount out of 50% deposited amount by giving simple undertaking.
- (ii) Learned counsel for the applicants submits that applicants be permitted to file Civil Application for withdrawal after depositing remaining 50% amount by the respondent liberty is granted.

Civil Application is disposed of.

**(S.G. DIGE,)
JUDGE**