

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9583 OF 2022
IN FIRST APPEAL NO. 3021 OF 2021

SITABAI W/O RAMESHWAR MARALAPALLE AND OTHERS
VERSUS
COSMOS CARRYING PRIVATE LTD PRO KHAJA WARIS KHAN
AND OTHERS

...
Advocate for Applicants : Mr. R.P. Adgaonkar
Advocate for Respondent No.3 : Mr. S.S. Patil

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CORAM : S.G. DIGE, J.
DATE : 20th July, 2022

ORDER :

. Heard learned Counsel for applicants and learned Counsel for respondent No.3.

2. Learned Counsel for applicants submits that, respondent No.3 has challenged the judgment and award passed by the Ex-Officio Member of M.A.C.T. Latur, before this Court. Respondent No.3 has deposited entire award amount. The deceased was the Karta of family. There is no source of income to the applicants. Applicants have

taken private loans from their relatives to meet their livelihood hence, applicants are in need of money. Therefore requested to allow the application.

3. Learned Counsel for respondent No.3 strongly objected to allow the application on the ground that, the learned Tribunal has awarded compensation on higher side. Respondent No.3 has challenged the said award. Hence, requested to dismiss the application.

4. I have heard both learned Counsel.

5. The deceased was son of applicant Nos.1 and 2. Applicants have no source of income. They are facing financial crisis in day to day activities. The ground raised by the learned Counsel for respondent No.3 can be considered at the time of final hearing. Hence, I pass the following order :-

ORDER

- a) Applicants are permitted to withdraw amount of Rs.25,00,000/- (rupees twenty five lacs only) out of deposited amount along-with accrued

interest thereon.

- b) Applicants shall get the amount, as per the order of learned Tribunal, Latur.
- c) The Civil Application is disposed of.

[S.G. DIGE, J.]