

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9916 OF 2022
IN FIRST APPEAL NO. 1524 OF 2022

RAMKISAN MURLIDHAR GIRI AND OTHERS
VERSUS
THE PRESIDENT SHRIRAM JAWAHAR SHETKARI SAHAKARI
SAKHAR KARKHANA LTD THR ITS LEGAL IN-CHARGE AND
OTHERS

...
Advocate for Applicants : Mr. H.V. Tungar
Advocate for Respondent Nos.1 and 2 : Mr. V.P. Golewar
....

CORAM : S.G. DIGE, J.
DATE : 5th August, 2022

ORDER :

. Heard learned Counsel for applicants and learned Counsel for respondent Nos.1 and 2.

2. Learned Counsel for applicants submits that, applicants are the legal heirs of deceased Anita Ramkisan Giri. Applicant No.1 is the husband and applicant Nos.2 and 3 are son and daughter of deceased. The compensation is awarded by the Court of Commissioner for Employees Compensation, Beed. The said judgment

and award is challenged by respondent No.1 before this Court and has deposited award amount before this Court. Deceased was the Karta of applicant's family. She was labourer. Applicants are facing difficulty in day to day life because of paucity of money. The amount is required for daily expenses of the applicants. Hence, requested to allow the application.

3. It is contention of learned Counsel for respondent No.1 that, deceased was hospitalized immediately after the accident. Thereafter, she discharged from Sassoon hospital, Pune. The applicants without filing the medical documents of the hospital on record have filed Claim Petition stating that, while returning from Pune the deceased Anita died and this fact was not considered by the learned Trial Court and passed the judgment and award. Respondent No.1 has challenged the impugned judgment and award by filing appeal. If applicants are permitted to withdraw the amount and respondent No.1 succeeds in appeal then it would difficult for respondent No.1 to recover the amount. Hence, requested to reject the application.

4. I have heard both the learned Counsel. The wife of applicant No.1 and mother of applicant Nos.2 and 3 is died in accident. The occupation of the applicants is labourer. The deceased was also sugarcane cutter and she was the Karta of applicant's family. The applicants needs amount for their daily expenses. The issue raised by the respondent No.1 can be considered at the time of final hearing of the appeal. Hence, I pass the following order :-

ORDER

- a. Applicants are permitted to withdraw 50% amount out of deposited amount on furnishing usual undertaking before the learned Registrar (Judicial) of this Court.
- b. Applicants are at liberty to file fresh application for withdrawal of amount after deposit of interest amount by the respondent No.1.

[S.G. DIGE, J.]