

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

CIVIL APPLICATION NO. 11770 OF 2022
IN
FIRST APPEAL 452 OF 2022

HARIBAI MUNJAJI BOBADE AND ANOTHER
VERSUS
DATTA NAMDEV GORE AND OTHERS

....
Advocate for the applicant : Mr. G.T.Kharate
Advocate for respondent No.3 : Mr. S.G.Chapalgaonkar
Advocate for respondent Nos. 4 to 6 : Mr. Wasim Ahmed
A Deshmukh
....

**CORAM : S. G. DIGE, J.
DATE : 17.08.2022**

PER COURT :-

Heard learned counsel for the applicants and learned counsel for respondent No.3.

2. Learned counsel for the applicants submits that, applicants are the parents of the deceased Suresh Bobade. They are old aged persons. They have no source of income. The deceased would provide them money for their day-to-day business. After death of deceased, they have no source of income. Because of old age, they are unable to perform any work hence requested to allow the application.

3. Learned counsel for respondent No.1 submits that, respondent has impugned the order of Tribunal on various grounds. If applicants are allowed to withdraw the amount and respondents succeed in the appeal, then it would be difficult for the respondent to recover the amount. Hence requested to dismiss the application.

4. I have heard both the learned counsel. As applicants are the parents of the deceased, they have no source of income. They are old aged persons. They require money for their daily expenses. Hence I pass the following order.

ORDER

The applicants are permitted to withdraw 50% amount out of deposited amount as per their share fixed by the Tribunal along with accrued interest on furnishing undertaking.

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

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