

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

84 CIVIL APPLICATION NO.12085 OF 2022
IN FA/1816/2012

PRATIBHA WD/O BALASAHEB CHATE AND ORS
VERSUS
THE STATE OF MAHARSHTRA AND ORS

...
Advocate for Applicants : Mr. Bondar Uttam Bajirao
AGP for Respondents: Mr. A. B. Chate
....

CORAM : S. G. DIGE, J.
DATE : 29.08.2022

PER COURT :-

Heard learned counsel for the applicants and learned AGP.

2. Learned counsel for the applicants submits that, this Court, by judgment and order dated 3 August 2018, has disposed of the appeal filed by respondent Nos. 1 and 2. The amount is deposited before this Court by respondent Nos.1 and 2. The other applicants i.e. applicant No.1 who is mother of applicant No.2 and respondent No.7 (original claimant) died during the pendency of the appeal. Hence applicants are only legal heirs and representatives of the deceased.

3. The applicant No.1 has withdrawn amount of Rs.

8,00,000/-, whereas deceased respondent No.7 has withdrawn Rs. 6,50,000/- from the deposited of amount, hence applicant No.2 be permitted to withdraw the remaining amount. Applicant No.1 has consented for it. Hence requested to allow the application.

4. I have heard learned counsel for the applicants and learned A.G.P.

5. The appeal is already disposed of. Applicant No.2 is major. Learned counsel for the applicants requested that permission be given for withdrawal of the amount to applicant No.2 and he is also submitting that, there is consent of applicant No.1, who is mother of applicant No.2. Hence I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant No.2 is permitted to withdraw the remaining amount along with accrued interest thereon deposited by respondent Nos. 1 and 2 before this Court on furnishing consent letter of applicant No.1.
- (iii) Civil Application is disposed of.

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