

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

962 CIVIL APPLICATION NO.14841 OF 2022
IN FIRST APPEAL NO. 1973 OF 2010

...
MISS. AZARA D/O. LATE WASIF AHMED & OTHERS
VERSUS
THE DIVISIONAL CONTROLLER, MAHARASHTRA STATE
ROAD TRANSPORT CORPORATION & ANOTHER

...
Advocate for the applicants : Mr.G.N.Kulkarni [Mardikar]
Advocate for respondent no.1 : Mrs. R.D.Reddy
AGP for the respondent-State : Mr.S.N.Morampalle

...

CORAM : S.G.DIGE, J.
DATE : 19.10.2022

P.C. :

1] Heard the learned counsel for the applicants, learned counsel for respondent no.1 and the learned AGP for the respondent-State.

2] The learned counsel for the applicants submits that the deceased was the Karta of the family of the applicants. Earlier this Court has permitted the applicants to withdraw Rs.60,000/- amount along with accrued interest thereon. While withdrawing the amount, this Court has imposed condition to give bank guarantee. The applicants have given bank guarantee but the applicants have to pay some extra amount for the bank guarantee every year. The applicants are the poor persons. They have no source of

income, hence, requested to modify the said order and allow the applicants to furnish undertaking instead of bank guarantee. The learned counsel further submits that out of the award amount, Rs.33,000/- is deposited before this Court, hence, the applicants be permitted to withdraw remaining amount along with accrued interest thereon.

3] The learned counsel for the respondents strongly objected to withdraw the amount and modify the order.

4] I have heard all learned counsel. The deceased was the Karta of the family of the applicants. The applicants are the daughters of the deceased. They have to pay extra amount for the bank guarantee, though this Court has already permitted the applicants to withdraw the amount but the applicants needs the amount for daily expenses, hence, I pass the following order :-

ORDER

i] The application is allowed.

ii] The applicants are permitted to furnish undertaking instead of bank guarantee.

iii] The applicants are permitted to withdraw Rs.20,000/- out of remaining amount of Rs.33,536/- along with accrued interest thereon.

iv] The applicants are permitted to furnish undertaking before the office of Commissioner, Compensation.

v] The original Bank guarantee be returned to the applicants.

vi] Civil Application is disposed of accordingly.

vii] List the matter on 23rd November, 2022.

[S.G.DIGE]
JUDGE

DDC