

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 19016 OF 2022
IN
FIRST APPEAL NO. 329 OF 2021**

Sarika Shankar Wankhede and ors. Applicants

In the matter between :-

Divisional Controller,
Maharashtra State Transport Corporation Appellant
v/s.

Sarika Shankar Wankhede and ors. Respondents

Mr. Rajan Pawar for the Applicants.

Mr. Aniket N. i/b. Mr. Nitesh Bhutekar for the Appellant – Corporation.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 11th OCTOBER, 2022.

P. C. :-

. By this Application, the Applicants who are the original claimants, have sought withdrawal of the compensation deposited by the Appellant – Corporation.

2. In view of the reasons stated in the Application, 25% of the compensation along with proportionate interest accrued thereon be paid to the Applicant No.1 and 5% each of the compensation be paid to the Applicant Nos.5 and 6, being the parents of the deceased. The

Applicant Nos.2, 3 and 4 are minors. Hence, at this stage, I am not inclined to allow withdrawal on their behalf.

3. Suffice it to say that withdrawal of the compensation is subject to the final outcome of the Appeal. The Applicants shall file an undertaking before the Claims Tribunal that they shall refund the compensation along with interest in the event the Appellant succeeds in the Appeal.

4. Interim Application stands disposed of.

**PREETI
H JAYANI**

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(SMT. ANUJA PRABHUDESSAI, J.)