

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

INTERIM APPLICATION NO. 17824 OF 2022
IN
FIRST APPEAL (ST) NO. 25811 OF 2021

Smt. Dipali Nitesh Bhoir & Ors. ..Applicant

In the matter between

The M.S.R.T.C.
through its Divisional Controller, Mumbai. ..Appellant

vs.

Smt. Dipali Nitesh Bhoir & Ors. ..Respondents

Ms. Gargi Warunjikar i/b. Nitesh Bhutekar for the Appellant -Insurance
Company.
Ms. Varsha Chavan for the Applicant

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 7th SEPTEMBER, 2022.**

P.C.

1. By this application, the Applicants, who are the original Claimants have sought withdrawal of the compensation deposited by the Appellant Corporation as per the impugned judgment and Award passed by the Claims Tribunal, Mumbai in MACP 2201 of 2014.

2. Having considered the reasons stated in the application and the grounds raised in the appeal memo, the Applicant No.1, widow of the deceased is permitted to withdraw 30% of the compensation along with proportionate interest accrued thereon and the Applicant Nos.2 and 3 being the parents of the deceased are permitted to withdraw 10% of the

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compensation, each with proportionate interest accrued thereon. Suffice it to say that the withdrawal is subject to the final outcome of the appeal. The Applicants shall file an undertaking before the Tribunal that they will refund the amount with interest, in the event the Appellants succeed in the appeal.

3. Civil Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)