

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAF] No.726 of 2022
in
First Appeal No.99 of 2020

Maharashtra State Electricity Transmission Co. Ltd. & another
vs.

Smt. Malan wd/o Ramu Alam & others

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. Madhur Deo, Advocate for the Applicants/Respondents.
Mr. Sachin Zoting, Advocate for the Non-Applicants/Appellants.

CORAM : M.S. KARNIK, J.
DATE : 21st APRIL, 2022.

This is an application by the claimants, the wife and children of deceased-Ramu, who died in an accident, as a result of dash by the offending vehicle belonging to the appellant-Transmission Company.

02] The Motor Accident Claims Tribunal granted a compensation of ₹18,84,190/- along with interest. The deceased was working as a forest labourer in the forest buffer zone. Respondent Nos.1, 2 and 4 are working as daily wagers, whereas respondent No.3 is doing household work. The application is made for withdrawal of the compensation amount, which has been deposited pursuant to an order passed by this Court.

03] The application is vehemently opposed by learned Counsel for the appellants. He submits that if the claimants are allowed to withdraw the entire amount, it will be very difficult for the appellants to recover such amount, if

the appellants succeed in the appeal. The learned Counsel for the appellants attempted to point out the fallacy in the order passed by the Tribunal and contended that this is not a fit case for permitting withdrawal.

04] With the assistance of the learned Counsel for the parties, I have gone through the order passed by the Tribunal. In my opinion, in the interest of justice, the present application deserves to be partly allowed.

05] The application is partly allowed. Respondent Nos.1 to 4-claimants are permitted to withdraw 75% of the amount deposited along with interest accrued thereon, if any, subject to their furnishing solvent surety/security to the satisfaction of the Registrar of this Court.

06] The civil application is disposed of accordingly.

JUDGE

**sandesh*