

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

Civil Application [CAF] No.943 of 2022
in
First Appeal No.887 of 2010

The Union of India, through the General Manager, Central Railway, CST, Mumbai
vs.

Najma Begum Sheikh Hanif & others

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

Court's or Judge's Orders

Mr. R.D .Dhande, Advocate for the Applicant/Respondent Nos.6 to 9.
Mr. N.P. Lambat, Advocate for the Non-Applicant/Appellant.

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

This is an application filed on behalf of respondent Nos.6 to 9 for withdrawal of compensation amount, which comes to their respective shares.

02] By an order dated 23/08/2010, this Court had disposed of Civil Application No.1657/2010, wherein a prayer was made by respondent Nos.6 to 9 for permission to withdraw the amount. This Court had then permitted respondent Nos.6 to 9 to withdraw the amount of ₹1,10,000/- on furnishing solvent surety/security to the satisfaction of the Registrar.

03] It is pointed out by learned Counsel appearing for the applicants that for the reasons mentioned in the application, respondent Nos.6 to 9 could not avail of the order permitting them to withdraw that amount. Now an application has been filed for withdrawal. Considering that by an order dated 23/08/2010, respondent Nos.6 to 9 were

already permitted to withdraw the amount, in my opinion, the present application deserves to be allowed for the reasons mentioned therein.

04] Accordingly, respondent Nos.6 to 9 are permitted to withdraw the amount of ₹1,10,000/- along with accrued interest thereon, if any, from the date of deposit on furnishing solvent surety/security to the satisfaction of the Registrar. The civil application is allowed in the aforesaid terms and disposed of.

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I am informed that the Advocate appearing on behalf of respondent Nos.1 to 5 has expired.

02] Issue notice to respondent Nos.1 to 5, returnable after eight weeks.

03] Learned Counsel Mr. N.S. Khandewale was previously appearing on behalf of respondent Nos.6 to 9. He seeks discharge as learned Counsel Mr. R.D. Dhande now appears for respondent Nos.6 to 9.

04] Learned Counsel Mr. N.S. Khandewale is discharged of his power from appearing in this matter on behalf of respondent Nos.6 to 9. Office not to show the name of Mr. Khandewale on the Board henceforth.

JUDGE

**sandesh*