

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

**CIVIL APPLICATION NO.5428 OF 2023
IN FIRST APPEAL NO. 3774 OF 2018**

**RAMCHANDRA DATTATRAYA KULKARNI (DIED) THR LRS INDUMATI
AND ORS
VERSUS
DEPUTY CHIEF ENGINEER, CENTRAL RAILWAY, PUNE AND OTHERS**

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Advocate for Applicants : Mr. Nagargoje Ankush Nivrutti
AGP for Respondent No.6/State: Mr. A. B. Chate
Advocate for Respondent No.1: Mr. M. N. Navandar

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 19.06.2023

PER COURT :

1. Heard the learned Advocate Mr. Nagargoje for the applicants, the learned Advocate Mr. Navandar for respondent no.1 and learned AGP for respondent no.6.
2. It is submitted that, award is passed in LAR No.1/2009, thereby granting enhancement of compensation in favour of the claimants. The appeal has been filed challenging the award by the respondents. In pursuance of the order passed by this Court on application seeking grant of stay to the execution of the award, the entire amount of award has been deposited in this Court.
3. By this application, the original claimants are seeking permission to withdraw the amount deposited in this Court.

4. Having considered the submissions advanced and after going through the reasoning recorded in the impugned judgment/award passed by the Reference Court, the applicants are entitled to withdraw a part of the amount deposited by the respondents.
5. The applicants are permitted to withdraw 50% of deposited amount along with accrued interest, subject to furnishing undertaking in usual format to refund the amount within a period of eight weeks subject to further directions issued at the time of final disposal of appeal.
6. The applicants are further permitted to withdraw the additional 25% of amount deposited, subject to furnishing surety / security to the satisfaction of the Registrar [Judicial], within a period of eight weeks from today.
7. The balance amount shall be invested in fixed deposit in any Nationalized Bank initially for the period of two years and shall be further renewed till disposal of the appeal.
8. Civil Application is, accordingly, disposed of.

(S. G. CHAPALGAONKAR, J.)

Sameer