

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4484 OF 2023

IN

FIRST APPEAL NO. 582 OF 2012

Sakshi Rajesh Mahale & Ors.

..... Applicants

IN THE MATTER BETWEEN

**Maharashtra State Road Transport
Corporation**

..... Appellant

VERSUS

Sakshi Rajesh Mahale & Ors.

..... Respondent

Mr.Saumen S.Vidyarthi a/w. Ms.Ishita Bhole for the Applicant in IA
and for the Respondent No.2 in FA.

Ms.Pinky M.Bhansali for the Appellant.

CORAM: RAJESH S. PATIL, J.

DATE : 27th OCTOBER, 2023

P.C. :-

This interim application is filed for withdrawal of the amount by
the original applicant no.2 Master Ameya Rajesh Mahale.

2. It is the case of the applicant no.2 that the deceased was his
father and at the time of death of his father, his age was only 12 ½
years. After the M.A.C.T. application was heard and disposed of by the
judgment and award dated 21st June, 2011, MSRTC filed an appeal

against the impugned award before this Court. Subsequently, MSRTC deposited the entire award amount in the tribunal.

3. By an order dated 26th July, 2013, this Court allowed the parents of the deceased and the widow of the deceased to withdraw a sum of Rs.2 lacs each without any security and another sum of Rs.2 lacs each on furnishing solvent security of the like amount.

4. As far as the present applicant is concerned, by the said order dated 26th July, 2013, the applicant was allowed to move an application for withdrawal of amount after attaining age of majority.

5. Pursuant to the directions given by order dated 26st July, 2013 this interim application for withdrawal has been filed by the original claimant no.2.

6. There is no reply filed to this interim application. However, learned counsel for the MSRTC is opposing this application.

7. I have heard both the sides and have gone through the interim application. A case is made out for partial withdrawal of the amount.

8. Hence, the applicant (Mr.Ameya Rajesh Mahale) is allowed to withdraw a sum of Rs.2 lacs with accrued interest from the amount deposited by the MSRTC, upon furnishing an undertaking before the concerned MACT to the effect that if he fail in this First Appeal, he will return the amount with interest, at such rate as may be directed by this Court at the time of disposal of the First Appeal.

9. The Registry to see that the money is transferred to the account of the applicant no.1.

10. Balance amount shall be invested in the fixed deposit of a nationalized bank initially, for a period of one year and thereafter for like period depending the pendency of this Court.

11. All the parties to act on an authenticated copy of this order. Issuance of certified copy of this order is expedited.

12. The interim application is accordingly disposed of.

[RAJESH S. PATIL, J.]