

Anand

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

WRIT PETITION NO. 7470 OF 2023

Yogesh Popatlal Soni & anr.

.Petitioners

Vs.

The Union of India

.Respondent

Mr. Ranvir Shekhawat a/w. Mr. Jagdish Choudhary i/b. M/s. Raj
Legal, Advocate, for the Petitioners

Mr. J. S. Saluja a/w. Ms. Desiree Allams, Advocate, for the
Respondent

CORAM : MADHAV J. JAMDAR, J.

DATE : 09.11.2023

P. C.

1. Heard Mr. Shekhawat, learned counsel appearing for the Petitioners and Mr. Saluja, learned counsel appearing for the Respondent.

2. The Petitioners filed an Original Application No. 149 of 2018 before the Railway Claims Tribunal, Mumbai ("**Tribunal**") on 29.01.2018 seeking compensation in view of death of wife of Petitioner No. 1 and mother of Petitioner No. 2. On 21.11.2019, the said case was settled and the Respondent agreed to pay an amount of Rs. 8,00,000/- to the Petitioners. By order dated 21.11.2019, the Tribunal passed the order directing the said

amount of Rs. 4,00,000/- awarded to Petitioner No. 2 and Rs. 3,50,000/- awarded to Petitioner No. 1 to be respectively invested in Fixed Deposit. Insofar as Petitioner No. 1 is concerned, Rs. 5,000/- was directed to be paid per month to him. Thereafter, the Petitioners have filed an application in the year 2020 seeking withdrawal of the said amount. The said Application was rejected by the impugned order dated 03.05.2021.

3. It is to be noted that in the said Railway accident, Petitioner No. 1 has lost his wife, who is the mother of Petitioner No. 2. It is stated in the Application that they are in need of the said amount.

4. Learned counsel appearing for the Respondent submitted that in fact, order directing investing the aforesaid amount in Fixed Deposit is in the interest of the Petitioners. However, undisputedly, the said amount is their compensation amount, and the Petitioners require the said amount for their day to day expenses.

5. Accordingly, the Writ Petition is allowed in terms of

prayer clause (a). The said prayer clause (a) reads as under :-

“a. This Hon’ble Court may be pleased to issue a writ of mandamus and/or any other appropriate writ, order or direction in the nature thereof and after verifying legality, validity and propriety of impugned order dated 03.05.2021 passed in Misc. Application No. 363 of 2020, be quashed and set aside and the Petitioners be allowed to withdraw the entire compensation amount awarded to them vide order dated 21.11.2019 passed in Original Application No. 149 of 2018.”

6. The Railway Claims Tribunal, Mumbai is directed to allow withdrawal of the aforesaid amounts to the respective Petitioners within eight weeks from today.

7. The Writ Petition is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)