

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

**INTERIM APPLICATION NO.16974 OF 2023
IN
FIRST APPEAL NO.789 OF 2023**

Anis Rafiq Shaikh And Ors. ...Applicants

Versus

Bombay Electric Supply and Transport
Undertaking, Mumbai ...Respondent

Mr. Sagar Shetty a/w Ms. Sonia Pedkar for the Appellant.
Mr. Ranvir Shekhawat i/by Raj Legal for Respondent and Applicant in
IA/16974/2023.

CORAM : RAJESH S. PATIL, J.

DATED : 9 NOVEMBER, 2023

P.C.:

1. This Interim Application is filed for withdrawal of the amount deposited by the BEST.

2. It is the case of the Applicants that the deceased was bread winner of the entire family and she was working with Axis Bank and was drawing handsome salary. Therefore, after the death of the deceased the Applicants are struggling day to day affairs and facing financial crunch. The Tribunal even though has granted the claim of the Applicants as the BEST undertaking has filed the statutory First Appeal and they have deposited the Award amount along with accrued interest before the MACT, Mumbai. It is therefore, prayed that the Applicants

are allowed to withdraw the entire amount deposited by BEST.

3. I have heard both the side and I have gone through the contents of the Interim Application, the case is made out for partial withdrawal of the amount deposited.

4. 50% of the 'Award' amount awarded to the Applicant Nos.1, 2, 3 and 4 are allowed to be withdrawn along with accrued interest as per the ratio mentioned in the impugned Judgment and Award, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they 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.

5. The Registry to see that the money is transferred to the account of the Applicant.

6. 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.

7. All the parties to act on an authenticated copy of this order.

8. The interim application is accordingly disposed of.

(RAJESH S. PATIL, J.)