

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

CIVIL APPLICATION (CAF) NO. 581/2023 IN
FIRST APPEAL NO.802/2022

Divisional Controller, M.S.R.T.C., Akola

Vs

Aziza Bano Wd/O Shaikh Shafiyoddin And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr A.R. Fule, Advocate for the appellant.

Ms A.R. Sharma, Advocate for the respondent Nos. 1 to 8/applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27/02/2023.

1. Heard.
2. By this application, the respondent Nos. 1 to 8 are seeking permission for withdrawal of the amount. The appellant has already deposited the amount of compensation.
3. As per the contention of the respondents though the compensation amount is awarded, the respondents are deprived from the fruits of the same. The respondents have lost their bread earner in the accident and they have no fixed source of income. They are facing financial crises. Hence, they be permitted to withdraw the amount.
4. Mr A.R. Fule, learned advocate for the appellant strongly opposed the said application. On the ground that the appellant has challenged the award being it is exorbitant

and excessive one. The appeal will takes it own time for its final disposal. In the meantime, the respondents/original claimants cannot be deprived from getting the compensation amount.

5. In view of that the respondent Nos. 1 to 8 are permitted to withdraw the amount on usual undertaking to the extent that, if appellant succeeds in the appeal and amount of compensation is reduced then the respondents shall refund the compensation amount to the appellant.

Civil application No. 581/2023 is disposed of.

JUDGE