

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

CIVIL APPLICATION (CAF) NO.1114 OF 2023

IN
FIRST APPEAL NO.1064 OF 2012

Union of India, General Manager, South Central Railway, Secunderabad

Vs.

Pushpa wd/o Digamber Shengole and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Ashwini Athalye, Advocate for appellant.
Mr. V. A. Patait, Advocate for respondent No.1.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/04/2023

1. Present application is by the respondent Nos.1 to 3 for seeking permission for withdraw of the amount on the ground that bread earner of the family succumbed to the death in an untoward incident. Now the claimants have no source of income, though compensation amount as awarded in their favour, they could not receive the same as appeal is filed hence, they may be permitted to withdraw the amount of compensation.

2. The said application is strongly opposed by the learned Advocate Ms. Athalye on the ground that appeal can be disposed of finally, as the defence raised by the Railway is that, death of the deceased is not in an untoward incident. Considering the reasons mentioned in the application and the ground of appeal raised by the

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appellant, it will be appropriate to permit the respondent Nos.1 to 3 to withdraw 50% of the amount along with accrued interest on usual undertaking.

3. In view of that respondent Nos.1 to 3 are permitted to withdraw 50% of the amount on usual undertaking.

4. Civil Application is disposed of.

5. The 50% amount be released in favour of respondent No.1 as respondent Nos.2 and 3 have already attained the age of majority.

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Stand over to 06.06.2023.

(URMILA JOSHI-PHALKE, J.)

Sarkate