

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (F) NO.1006 OF 2023

IN

FIRST APPEAL NO.163 OF 2022

[The Divisional Manager ..V/s.. Smt. Mangala W/o Dilip Wagh and Ors.]

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

Court's or Judge's order

Ms M. Naik, Advocate for Applicant/Appellant.

Ms M. H. Pathade, Advocate for Respondent Nos.1 and 2.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 10th APRIL, 2023.

1. Present application is by the respondent Nos.1 and 2 for seeking permission for withdrawal of the amount.

2. As per the contention of the claimants, respondent No.1 is the widow and respondent No.2 is the son of the deceased. Though, compensation is awarded in favour of the respondents, they have not received the amount of compensation. Respondent No.1 has lost her husband and she has no source of income.

3. The said application is strongly opposed by Ms Naik, learned Advocate appearing for applicant/appellant on the ground that the appeal is filed on the basis that the learned Tribunal has not considered the contributory negligence of the deceased, and therefore, the application deserves to be rejected.

4. Heard both the sides. Perused the application. In view of the reasons mentioned in the application and considering the objection raised, at this stage, it will be appropriate to permit the respondent Nos.1 and 2 to withdraw the 50% of the amount of compensation on usual undertaking.

5. The amount be disbursed to respondent Nos.1 and 2 alongwith accrued interest on due identification and verification.

6. Civil application is disposed of.

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7. Stand over after vacation.

JUDGE