

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

CIVIL APPLICATION (CAF) NO. 1084 OF 2023
IN
FIRST APPEAL NO. 1728 OF 2019 (D)

UNION OF INDIA THR. GENERAL MANAGER, CENTRAL RAILWAY, CSTM MUMBAI AND ANR.

...VERSUS...

SHRI MAROTRAO NARAYAN DAMBHARE 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. Neerja Chaubey, Advocate h/f. Shri N.P.Lambat, Advocate for applicant.
Shri C.R.Najbile, Advocate for respondent no. 1/applicant.
Ms. T.H.Udeshi, AGP for respondent nos. 2 and 3.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 12th JUNE, 2023

Heard both the parties.

2. The present application is filed by respondent no. 1/ applicant for withdrawal of compensation amount deposited by the appellants.

3. The decretal amount to the tune of Rs. 1,07,029/- is deposited before this Court in the appeal arising out of L.A.C. No. 171/2014.

4. For the reasons stated in the application, I do not see any impediment in allowing the application, subject to condition to allow to the applicant herein to withdraw 50% of amount by furnishing surety and 25% of the amount on usual undertaking.

5. Though, the objection is raised by learned counsel for the appellants, the applicant is entitled for the relief. Accordingly, I proceed to pass the following order:-

ORDER

- 1) The application is allowed.
- 2) The respondent no. 1/applicant is permitted to withdraw 50% of amount of the compensation so deposited, along with accrued interest, on furnishing surety / security in the like amount to the satisfaction of Registrar (Judicial) and 25% of the amount on usual undertaking.
- 3) Registry to take necessary steps.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar