

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

55 CIVIL APPLICATION NO. 4434 OF 2024
IN FA/106/2023

KRUSHNALAL MOTILAL CHAUDHARY AND ANR
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION
JALGAON DIVISION JALGAON AND ANR

...
Advocate for Applicant : Mr. Shah Mohit S., R/3 Served.
Advocate for Respondent No. 1 : Mr. Dinesh Daud h/f Mr.
Manoj Dharmaraj Shinde
...

CORAM : KISHORE C. SANT, J.

DATE : 21st JUNE, 2024.

PER COURT :

1. Heard the parties.
2. This application is preferred by the applicants seeking modification in the order dated 09.02.2024. The operative order reads as under :

“(i) The application is partly allowed.

“(ii) Applicant No. 2 is allowed to withdraw

Rs. 40,00,000/- (Rupees Forty Lakhs) from the amount deposited in this Court.

(iii) Out of Rs. 40,00,000/- (Rs. Forty Lakhs) Rs. 30,00,000/- (Rs. Thirty Lakhs) be deposited in fixed deposit in her name with a right to get accrue the interest on quarterly rests for five years.

(iv) Balance amount be deposited in Fixed Deposit as per Rules”

3. Learned Advocate for the applicant strenuously submits that though the amount of Rs.40,00,000/- (Rs. Forty Lakhs) is permitted to be withdrawn, the amount of Rs. 30,00,000/- (Rs. Thirtdy Lakhs) is directed to be deposited in the fixed deposit and only amount of Rs. 10,00,000/- (Rs.Ten Lakhs) is directed to be taken by the applicant No. 2.

4. He, thus, submits that this has caused hardship to the applicant No. 2 since she is not in a position to utilize the entire amount though she is allowed to withdraw the said amount. He further submits that already remaining amount out of Rs. 79,36,736/- (Rs. Seventy Nine Lakhs Thirty

Six Lakhs Seven Hundred and Thirty Six Only) is directed to be deposited in Fixed Deposit. The interest of respondents is thus taken care of.

5. On looking to the order, this Court finds that in fact this Court has taken care of the interest of the applicant No. 2 who is reportedly an illiterate woman that she would get the regular income from the amount of fixed deposit of Rs. 30,00,000/- (Rs. Thirty Lakhs).

6. Since it is urged that there is huge amount taken by her from her relatives, which she needs to repay. She lost her son in 2017 and since then there is no source of income.

7. Learned Advocate for the respondents submits that appropriate order be passed.

8. Considering that the applicant is without any income since 2017 she certainly requires some amount. Rs. 10,00,000/- (Rs. Ten Lakhs) though allowed to be withdrawn is not sufficient looking to the fact that from 2017

both the applicants have no any source of livelihood.

9. The ends of justice would be met by further allowing applicant No. 2 to withdraw Rs. 15,00,000/- (Rs. Fifteen Lakhs) amount by directing to keep the remaining balance amount of Rs. 15,00,000/- (Rs. Fifteen Lakhs) in Fixed Deposit.

10. Applicant No. 2 would be entitled to receive interest at every quarterly rests from the amount of Rs. 15,00,000/- (Rs. Fifteen Lakhs). Hence the following order :

ORDER

- 1) The application is partly allowed.
- 2) Applicant No. 2 is allowed to withdraw Rs. 40,00,000/- (Rs. Forty Lakhs Only) from the amount deposited in the Court.
- 3) Out of 40,00,000/- (Rs. Forty Lakhs) Rs. 15,00,000/- (Rs. Fifteen Lakhs) to be deposited in Fixed Deposit in the name of applicant No. 2.
- 4) The applicant No. 2 would be entitled to receive

interest on quarterly basis for five years.”

5) Balance amount be deposited in fixed deposit as per rules.

6) With this the present application stands partly allowed and disposed off.

(KISHORE C. SANT)
JUDGE

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