



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

908 CIVIL APPLICATION NO. 4477 OF 2024

IN FAST/1785/2024 WITH
CIVIL APPLICATION NO. 973 OF 2024
IN FAST/1785/2024 WITH
CIVIL APPLICATION NO. 974 OF 2024
IN FAST/1785/2024

**TULSABAI W/O SHRIRAM CHATE AND ANR
VERSUS
THE MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION THROUGH THE DIVISIONAL CONTROLLER
AND ANR**

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Advocate for Applicant in CA/4477/24 : Mr. Raut A. D.
Advocate for Applicants in CA/973-974/24 : Mr. S. B. Solanke
h/f A. D. Wange.
AGP for Respondent/s-State : Mrs. M. L. Sangit.

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**CORAM : S. G. MEHARE, J.
DATE : 08.05.2024**

PER COURT :-

1. Heard the respective learned counsels.
2. The dependents were the old aged wife of the deceased and a son. She has placed on record the number of medical prescriptions to show that she is urgently needed the money.
3. Learned counsel for the non-applicants/appellants has strongly opposed the application contending that she has a son to maintain. Therefore, she should not be allowed to withdraw the amount.

4. Perused the grounds of appeal and the issues involved in the case. Considering the age of the dependency of wife and her physical ailments, the application deserves to be allowed partly.

Hence, the following order :

ORDER

- (i) The civil application is partly allowed.
- (ii) The applicants are allowed to withdraw 80% of the amount deposited with this Court with proportionate interest.
- (iii) Learned counsel for the applicants made a statement that the entire amount be released to applicant No.1 Tulsabai as her son has no objection.
- (iv) The amount be released to her on the joint undertaking that they would deposit the money within a month, if the impugned judgment and award is reversed.

Civil Application No. 974 of 2024 (Stay)

- 5. Heard the respective learned counsels.
- 6. The appellant has good case for stay.
- 7. Civil Application is allowed.

8. The execution and implementation of the impugned judgment and award is stayed till the conclusion of the appeal.

9. Call R and P

Civil Application No. 973 of 2024 (Delay)

10. Heard the respective learned counsels.

11. Notice for respondent No.3 served, but nobody appeared.

12. For the reasons mentioned in the application, civil application is allowed. Delay stands condoned.

13. Registry to register the appeal.

14. Issue notice to respondents.

15. Learned counsel Mr. Raut waives service of notice for respondent Nos.1 and 2 (in First Appeal)/claimants.

16. Stand over to 05.08.2024.

(S. G. MEHARE, J.)

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vmk/-