



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

**928 CIVIL APPLICATION NO. 7680 OF 2024
IN FAST/3653/2024**

SMT REENA WD/O NARENDRA RAIKWAR
VERSUS
THE DIVISIONAL RAILWAY MANAGER NANDED DIVISION SOUTH
CENTRAL RAILWAY

...
Advocate for Applicant : Mr. Pawankumar Suryakiren Agrawal.
Advocate for Respondent : Mr. A. G. Talhar.

...
AND
**CIVIL APPLICATION NO. 3233 OF 2024
IN FAST/3653/2024**
AND
**CIVIL APPLICATION NO. 3234 OF 2024
IN FAST/3653/2024**

CORAM : **KISHORE C. SANT, J.**

DATE : 11th October, 2024.

P.C.:

. Heard the learned counsels for the parties.

2 CIVIL APPLICATION NO. 7680 OF 2024 is for withdrawal of amount deposited by the respondent in the office of learned Commissioner pursuant to the judgment and award passed by learned Commissioner Employees Compensation Act, Nanded.

3 The application is opposed by learned DSGI stating that main question in the appeal is as to whether the applicant died while in the course of employment. There are good chances of success in the appeal.

4 Considering that the amount awarded is Rs.7,78,560/ alongwith interest, his Court finds the following order would meet the ends of justice. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicants are permitted to withdraw 50% of the amount on furnishing undertaking that in case the appeal is allowed, they shall reposit the amount with interest within twelve weeks from such judgment. Further 25% of the amount alongwith accrued interest is allowed to be withdrawn on furnishing solvent security/security to the satisfaction of the learned Commissioner. The amount to the extent of applicant No.1 be credited to her account. So far as applicant Nos.2 to 5 are concerned, their amount be transferred directly in the fixed deposit in any nationalized bank. After such amount is deposited in the fixed deposit, the interest on such fixed deposit be credited in the account of applicant No.1 after every six months. Out of the 50% amount, applicant No.1 is entitled to receive 40% of the amount. The remaining amount that will be now 15% each to the share of applicant Nos.2 to 5 be deposited in the fixed deposit.

On delay condonation application:

- 5 For the reasons stated in the application, the delay stands

condoned. Application application stands disposed of. Appeal be register.

On Stay Application:

6 Since the amount is already deposited in the office of learned Commissioner, there shall be stay to the execution of the impugned award till final disposal of the appeal.

On First Appeal:

7 Issue notice to the respondent, returnable on 6th December, 2024. Mr. Agrawal, learned counsel waives notice on behalf of the respondent.

8 This appeal be taken alongwith First Appeal No.234 of 2024.

9 Record and proceedings be called for.

[KISHORE C. SANT, J.]

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