

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3052 OF 2024
IN FA/4105/2023 WITH
CIVIL APPLICATION NO. 12553 OF 2023
IN FA/4105/2023

Sunita Suresh Markule And Others

VERSUS

Tanaji Kishanrao Bende And Others

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Advocate for Applicant : Mrs. Ansari Asfia Nuzhat
Advocate for Respondent No.3 : Mr. M.R. Deshmukh

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CORAM : S.G. MEHARE, J.

DATED : MAY 06, 2024

PER COURT:-

1. Heard the respective counsels.
2. The appeal has been preferred only on the ground that the learned Tribunal incorrectly considered the notional income of Rs.15,000/- per month. Counsel for the appellant submits that it is in contravention of the law. The deceased was working in the stone crushing quarry. He was 33 years old.
3. Considering the inflation of the day, growing rates of the daily essentials and wages, this Court is of the view that this application may be partly allowed. Hence, the following order :

ORDER

- (i) The application is partly allowed.
- (ii) The applicants are allowed to withdraw 90% of the amount with interest deposited with this Court on undertaking that they

would deposit the money if the impugned judgment and award is reversed.

(iii) Applicant no.1/mother to furnish an undertaking for and on behalf of the minors.

(iv) The amount be apportioned equally.

(v) The shares of the minors be deposited in any nationalized bank of the choice of their mother/applicant no.1 in fixed deposit till they attain majority with right to receive the interest at quarterly rest.

Order in Civil Application No.12553 of 2023 for Stay :

1. Heard the respective counsels.
2. The appeal has been preferred on the ground of quantum. The deceased was 33 years old working at the stone crushing quarry. The respondents/claimants are allowed to withdraw 90% of the amount.
3. Considering the issue involved in the case, the order granting interim stay dated 18.10.2023 stands confirmed till the conclusion of the appeal and the application is accordingly allowed.
4. Call record and proceedings.

(S.G. MEHARE, J.)