



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6133 OF 2025
IN
REVIEW APPLICATION NO.197 OF 2024
IN
FIRST APPEAL NO.2775 OF 2018

1. Sunanda S/o. Nana Chavan,
Age : 57 years, Occu. : Household,
2. Nana S/o. Shankar Chavan,
Age : 58 years, Occu. : Nil.,
Both R/o. Near Old Ram Mandir,
Tq. Pachora & Dist. Jalgaon.

... Applicants
(Orig. Claimants)

Versus

The Union of India,
Through General Manager,
Central Railway, C.S.T.
Mumbai.

... Respondent

.....
Mr. D. A. Madake, Advocate for Applicants.
Mr. S. S. Deve, Standing counsel for Respondent – UOI.
.....

CORAM : ABHAY S. WAGHWASE, J.
DATED : 18 JUNE 2025

ORDER :

1. Present applicants claim themselves to be original claimants and they have set up prayers for permission to withdraw amount deposited by respondent Railway Department on account of accident claim.
2. Learned counsel submitted that, applicant's son, namely Mukesh Nana Chavan met with an railway accident on

railway line in the vicinity of Jalgaon station and succumbed in the same on 28.06.2013.

3. That, applicants had approached Railway Claims Tribunal Nagpur and the said Tribunal was pleased to reject the claim by its order dated 24.04.2018. It is pointed out that, aggrieved by same, the present applicants had preferred First appeal before this Hon'ble Court. That, after hearing both the parties, this court was pleased to allow First Appeal vide its judgment and order dated 19.06.2024 and even Review Application No.197 of 2024 has been decided on 04.10.2024 and that copies of judgment and orders in First Appeal as well as Review Application are part of the record.

4. It is further pointed out that, in view of claim set up and it being allowed in First Appeal, the respondent authority has already deposited the compensation along with interest and even Railway Claims Tribunal conveyed applicants regarding the same while communication dated 02.01.2025. That, application was tendered with the said authority for withdrawal, but Railway Claims Tribunal again refused to take the application raising query about apportionment of shares. Therefore, present application is pressed into service seeking directions to Railway Claims Tribunal Nagpur to transfer the amount to this Court and further permit

applicants to withdraw the same.

5. Learned standing counsel for respondent has no objection in view judgment and order passed by this court in First Appeal. Learned counsel conceded that, amount has been deposited and he has further no objection for allowing present civil application.

6. In view of above and on going through papers, it seems that present applicants are beneficiaries of accident claim amount by virtue of judgment and order dated 19.06.2024 in First Appeal No.2775 of 2018. There is no dispute that, amount awarded by this court in First Appeal is already deposited before Railway Accident Claim Tribunal Nagpur.

7. In view of above, to take the matter to its logical end, civil application deserves to be allowed. Accordingly application is allowed by making payer clauses 'A and 'C' absolute.

8. Railway Claims Tribunal Nagpur is directed to transfer the amount to this Court forthwith. After amount is received to this court, the said amount along with interest be distributed equally between both the applicants.

(ABHAY S. WAGHWASE, J.)