IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11139 OF 2025
ALONGWITH
INTERIM APPLICATION NO. 11140 OF 2025
IN
FIRST APPEAL (ST) NO. 23638 OF 2025

The Union of India ...Applicant

Vs.

Arun Anil Ghanghave and Anr. ...Respondents

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Mr. Niranjan Shimpi	Advocate for the Applicant/Union of India
Mr. Mohan C. Kumbhar i/by Adv. Vinay Chavan	Advocate for the Respondent

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CORAM : S. M. MODAK, J.

DATE : 08th OCTOBER 2025

P. C. :-

1. Heard learned Advocate Shri Shimpi for the Applicant-Union of India.

2. Learned Advocate for the sole Respondent undertakes to file vakalatnama. The judgment is delivered on 20.09.2024.

SEEMA KSHITIJ YELKAR Digitally signed by SEEMA KSHITIJ YELKAR Date: 2025.10.13 15:29:59 +0530

INTERIM APPLICATION NO. 11139 OF 2025

3. There is a delay of 32 days in preferring an appeal. The delay is opposed. For the reasons stated in the application, the application is allowed in terms of prayer clause 'a'.

4. Interim application is disposed of.

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5. Issue notice to the sole Respondent. He waives notice. Let copies be supplied to him. He undertakes to file Vakalatnama. Compilation is already filed. Let it be supplied to the other side.

6. Stand over to **05th December 2025**.

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7. The Appellant undertakes to deposit the amount within a period of four weeks. Stay is granted to the execution of the Award dated 20.09.2024 passed by the learned Member (Judicial), Railway Claims Tribunal, Mumbai Bench, Mumbai subject to deposit of the entire amount alongwith interest within a period of four weeks before the tribunal.

8. Learned Advocate for the Respondent prays for withdrawal. This is injury claim and compensation awarded is Rs. 4,80,000/-, on page

no. 70. The tribunal has permitted the Respondent to withdraw an amount of Rs. 80,000/- and four lakhs is to be deposited with the Nationalized bank. After deposit, the Respondent can withdraw Rs. 80,000/- from the Tribunal on usual undertaking. There is strong opposition for the withdrawal of the remaining amount because the Respondents was not bonafide passenger.

9. Be that as it may, the Court is not allowing withdrawal of the entire Rs. 4 Lakhs amount. The application is pending since 2017 certainly Respondent needs withdrawal for an amount more than Rs. 80,000/-. Just because the tribunal has directed to deposit Rs. 4 Lakhs with the Nationalized Bank, it does not mean that the withdrawal cannot be permitted, ultimately this is amount which is actually awarded towards compensation of the Respondent.

10. In view of that Respondent is permitted to withdraw two lakhs rupees on usual undertaking.

11. Let the tribunal to encash the deposit and disburse the amount an amount of Rs. 2 Lakhs and to have fresh deposit for the remaining amount. There is submission for insistence of the some of security. Claimant who is fighting for the compensation since 2017 cannot be

asked to furnish some security. This is for the reason, this is not litigation involving the property dispute, hence that contention is not accepted.

12. In view of that, Interim application is disposed of.

[S. M. MODAK, J.]