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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 11313 OF 2025
IN
FIRST APPEAL NO. 1148 OF 2022**

Mr. Ghanshyam Musafir Gupta & Ors. ...Applicants/Appellants
Versus
Union Of India, Through the General Manager
Western Railway ...Respondent

Adv. Vasant N. More for the Applicants/Appellants.
None for the Respondent

CORAM : M. M. SATHAYE, J.

DATED : 4th DECEMBER 2025

P.C.:

1. Heard learned counsel for the Applicants/Appellants. Learned counsel for the Applicants tried to serve the copy upon the learned panel counsel for the Respondent/Railways, however service is not accepted as the appeal is disposed of and present application is not allotted.
2. This is an application by claimants in a disposed-of appeal, seeking appropriate clarification/modification of the order dated 13/02/2024 by which the appeal was disposed of. A letter dated 06/09/2024 is produced on record, which indicates that according to Additional Registrar of the Railway Claims Tribunal, Mumbai, no amount is disbursed to the Applicants/Claimants.
3. Learned Counsel for the Applicants contended that as on today,

Applicant Nos. 3 and 4 (Rahul s/o. Ghanshyam Gupta and Raj s/o. Ghanshyam Gupta) have already attained majority and their age proofs can be submitted with the appropriate authority before disbursement of the amount. It is urged that when the said order was passed, an incorrect information was given that the Applicant Nos. 1 & 2 have already withdrawn some amount.

4. I have perused the main order dated 13/02/2024 passed in FA/1125/2022, on which basis, final order in present appeal was passed. This Court considered the scheme in which the amount is invested as well as the objections of the Respondent– Railway. After considering concerned Rules, this Court has held in paragraph no. 6 that when the claimant is major and is in sound position to take decision for himself/herself, such claimant can be permitted to withdraw 50% of the amount and rest of the amount can be released in monthly installments.

5. It appears that based on this view taken in the FA/1125/2022, present First Appeal was disposed of by passing a short order. It further appears that at the relevant time, the Court was given to understand that the claimants have withdrawn Rs.35,000/-. However, from the letter dated 06/09/2024 issued by the Registrar of the Tribunal, it is clear that no amount is disbursed in favour of the Applicants herein.

6. In that view of the matter and further considering the amounts involved for Applicants including parties who are now stated to be major, the following clarification is issued:

(a) Applicants/Claimants Nos. 1 & 2 - Mr. Ghanshyam Musafir Gupta and Smt. Pushpadevi w/o. Ghanshyam Gupta are permitted

to withdraw 50% of the amount presently lying in their account with the Tribunal alongwith accrued interest.

(b) Similarly, Applicants/Claimants Nos. 3 & 4 – Rahul Ghanshyam Gupta and Raj Ghanshyam Gupta, on production of the proof of their age (being major), shall also be permitted to withdraw 50% of the amount of their entitlement, with interest.

(c) After such withdrawal of 50% amount with interest, Applicant Nos. 1 to 4 will also be entitled to receive Rs.2,500/- per month till remaining deposit alongwith interest is exhausted.

(d) No modification is required for Applicant No. 5, who is still minor, for the time being.

7. The Interim Application is disposed of in above terms.

(M. M. SATHAYE, J.)