

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

956 CIVIL APPLICATION NO.4977 OF 2022
IN FA/117/2020

VARSHA TUKARAM MORE AND ORS
VERSUS
THE MAHARASHTRA STATE ROAD TRANSPORT CO.
(M.S.R.T.C),DIV. AHMEDNAGAR THR ITS DIV. CONTROLLER

...
Advocate for Applicants : Mr. Jayabhar Dattatraya R.
Advocate for respondent : Mr. B. S. Deshmukh
....

CORAM : S. G. DIGE, J.
DATE : 29.07.2022

PER COURT :-

Heard learned counsel for the applicants and respondent.

2. Learned counsel for the applicants submits that respondent has deposited the amount before this Court. Applicant No.1-widow is residing at her parental house, during the Covid-19 pandemic her father is expired now her mother is seriously ill and admitted in the hospital she is taking treatment and amount of approximately Rs.40,00,000/- is spent for medical treatment and till today she is under treatment. Learned counsel further submits that

applicant has no other source of income hence she required amount for treatment of her mother, therefore, requested to allow the applicant to withdraw Rs. 15,00,000/-. Applicant has produced medical certificate given by MAC Care Superficiality Hospital Ahmednagar.

3. Learned counsel for the respondent strongly objected to allow the application on the ground that this Court has already permitted the applicant to withdraw amount of Rs. 20,00,000/-. Learned counsel further submits that respondent has challenged the impugned Judgment and award on various issues, if applicant is permitted to withdraw the amount and if respondent succeed in the appeal it would be difficult for the respondent to recover the amount. Hence requested to dismiss the application.

4. I have heard both the learned counsel.

5. Respondent has deposited Rs. 92,00,000/- before this Court out of it, this Court has permitted to withdraw Rs. 20,00,000/-. Now by this application, applicant is praying to withdrawal of Rs. 15,00,000/- for treatment of mother of applicant No.1. The medical papers produced on record show that mother of applicant No.1 is ill and there is no source of

income to the applicant hence I pass the following order

ORDER

- (I) Application is allowed.
- (ii) Applicants are permitted to withdraw Rs. 10,00,000/- along with accrued interest thereon on furnishing undertaking.

Application is disposed of.

**(S.G. DIGE,)
JUDGE**

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