

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

909 CIVIL APPLICATION NO.15117 OF 2015
IN FA/2307/2015

SATISH RANGRAO DESAI NEXT FRIEND WIFE MADHURI
SATISHDESAI

VERSUS

THE MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION, DHULE AND ANOTHER

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Advocate for Applicant : Mr. Pawar Ajay D.
Mr. D S Bagul For R/1

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CORAM : P.R. BORA, J.
Dated: November 21, 2015

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PER COURT :-

1) Heard. As directed by this Court, the Respondent No.1 has deposited 70% of the amount of compensation awarded by the Motor Accident Claims Tribunal Dhule. The applicant herein i.e. original claimant is claiming withdrawal of the entire said amount.

2) Respondent No.1 has raised the plea of contributory negligence on the part of the original claimant. It is the contention of the Respondent No.1 that the plea so raised by it has not been properly considered by the

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(2)

Trial Court. It is the further contention of Respondent No.1 that the Respondent No.1 has also raised the objections as regards the medical bills submitted by the original claimant. The learned Counsel for the respondent No.1, therefore, opposed for granting permission to the present applicant for withdrawal of the deposited amount.

3) Though Respondent No.1 has raised the objections as aforesaid, there may not be any impediment in permitting the present applicant to withdraw 75% of the amount so deposited by Respondent No.1. The applicant is accordingly permitted to unconditionally withdraw 75% of the deposited amount. Civil Application is accordingly disposed of.

(P.R. BORA, J.)

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