

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

928 CIVIL APPLICATION NO. 10893 OF 2016
IN FAST/22042/2016 WITH CA/10894/2016 IN
FAST/22042/2016 WITH CA/13927/2016 IN
FAST/22042/2016

DIVISIONAL CONTROLLER MAHARASHTRA STATE ROAD
TRANSPORT CORPORATION DIVISION OFFICE
VERSUS
JAGANNATH HIMMATRAO THOMBARE AND ORS

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Advocate for Applicant : Mrs. Reddy Ranjana D.
Ms. Kakade(Matkar) Savita Parmeshwar, Adv. for R/1
To 5;
Mr. HS Bali, Adv. For Resp.No.6

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CORAM : P.R. BORA, J.
Dated: October 20, 2016

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PER COURT :-

1) Heard. For the reasons stated in the application, which according to me are just and sufficient, delay of 4 days occurred in filing the present appeal is condoned. Appeal be registered in accordance with law. CA for condonation of delay disposed of.

2) In view of the fact that the amount has been deposited by the MSRTC – Corporation, the interim stay granted earlier is made absolute. CA for stay is disposed of.

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3) Heard the learned Counsel on CA for withdrawal of the amount. Considering the contentions raised in the application for withdrawal of amount and the objections raised by the MSRTC in the memo of appeal in exception to the Award, I deem it appropriate to pass the following order, -

ORDER

i) The applicants are permitted to withdraw 50% of the amount deposited by the Corporation in this court on submitting an undertaking that in the event any adverse order is passed against them in the appeal, they will re-deposit the amount within four months of passing such order;

ii) Balance 50% amount be invested in a Fixed Deposit Receipts in any Nationalized Bank, initially for a period of three years and to be renewed if so required till disposal of the appeals.

iii) The Civil Application for withdrawal of the amount is disposed of.

(P.R. BORA, J.)

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