

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

915 CIVIL APPLICATION NO. 14967/2017
IN FIRST APPEAL NO. 3650/2016

BHIMASHANKAR BABURAO PANDHARE
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION, THR ITS DIV.
CONTROLLER

...
Advocate for Applicants : Mr. F.K. Patel & Mr. A.G. Vasmatkar
Advocate for Respondent : Mrs. Ranjana D. Reddy
...

CORAM : K.K. SONAWANE, J.

DATED : 14th DECEMBER, 2017.

Order :-

1. Heard learned counsel for the parties.
2. The matter pertains to the injury claim sustained during the course of vehicular accident. As per the Award passed by the Tribunal, respondent - MSRTC deposited the total sum of Rs. 4,29,493/- as compensation in to matter in this court. By way of present application, the applicant claim withdrawal of the amount. Learned counsel for respondent - MSRTC put into controversy the quantum of compensation amount determined by the Tribunal as well as nature of injuries sustained to the claimant being permanent disability. In such circumstances, I find that applicant be allowed to withdraw 50% of the compensation amount deposited in this court. Definitely, it would sub-serve the purpose.

3. Hence application stands allowed partly. The applicant is permitted to withdraw sum of Rs. 2,00,000/- (Rupees Two Lakhs) from the amount deposited by respondent - MSRTC in this Court. The applicant -original claimant shall furnish undertaking to the satisfaction of Registrar (Judicial) of this Court to the effect that, in case, adverse situation, if any, arises in future, on adjudication of the appeal, he would refund the amount so withdrawn forthwith as per directions of this Court. Rest of the balance amount be deposited in FDR account in any Nationalized Bank initially for a period of two years or till decision of the appeal on merit, whichever is earlier. The Registry to do the needful for disbursement of the amount as directed above.

4. The civil application stands disposed of in above terms accordingly.

[K. K. SONAWANE]
JUDGE

MTK.