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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BEFORE NATIONAL LOK ADALAT
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 697 OF 2014**

Maharashtra State Road Transport
Corporation

..Appellants
(Org.Opp.Party)

Vs.

Shri Zafarullah Khan s/o. Ashique
Ali Khan

..Respondent
(Org. Applicant)

Mr. Gopal Krishna Shivram Hegde for the appellants.

Mr. M.H. Khan for the respondent.

**CORAM : M.S.KARNIK, J.
S.S. DESHMUKH (Retired DJ) &
A.N. MARE (Registrar)**

DATE : 9th DECEMBER, 2017.

P.C. :-

We have perused the order dated 9th September, 2017. Accordingly, learned Counsel for the respondent has placed on record an affidavit dated 7th December, 2017, agreeing to accept the amount of Rs.12,00,000/- instead of Rs.13,77,259/

with interest at the rate of 7.5% from the date of the application. Learned Counsel for the appellant Shri Hegde however, fairly states that the appellants are agreeable to this arrangement. Accordingly, as per order dated 9th September, 2017, the respondent would be entitled to a compensation of Rs.12,00,000/- (Rupees twelve lacs only) instead of Rs.13,77,259/- and amount of Rs.12,00,000/- will carry interest at the rate of 7.5% from the date of the application.

2. Learned Counsel for the appellants states that before the Tribunal some amount has been deposited. Accordingly, in this view of the matter, respondent is allowed to withdraw the said amount as stated above. Learned Counsel for the appellants states that the respondent has already withdrawn some portion of the amount i.e. Rs.8,00,000/-. In this view of the matter, after deducting the amount of Rs.8,00,000/- which is already withdrawn by the respondent, the respondent is entitled to the balance amount as per the order passed by us. In case, if it is found that the amount which is so deposited before Tribunal

does not cover entire liability so ordered, the appellants would deposit the balance. In the event, the liability is satisfied, the remaining amount with interest thereon be withdrawn by the appellant. The amount of interest will be payable till the appellants deposit the amount before the Tribunal. Award of the Tribunal accordingly modified. The appeal with civil applications, if any, stands disposed of accordingly. The statutory deposit be transferred to the Tribunal. The Court fee be refunded as per rules.

(A.N. MARE)

(S.S. DESHMUKH)

(M.S.KARNIK,J.)