

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO.859 OF 2017
IN
FIRST APPEAL NO.99 OF 2017**

Shri Sagar Ananda Birade

...Applicant

vs.

Maharashtra State Road Transport Corporation

.....Respondent

.....

Mr. S.G. Thorat, for the Applicant.

Mr. Y.P. Deshmukh, for the Respondent.

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CORAM : S.C. GUPTE, J.**DATED : 2 MAY 2017****P.C. :**

. Heard learned Counsel for the parties.

2. The First Appeal challenges an award of compensation by MACT, Kolhapur, against the Appellant Corporation. The Appeal has been admitted by an order dated 30 August 2016. Against deposit of the entire decretal amount by the Appellant Corporation, the execution of the impugned award is stayed by this Court.

3. The present Civil Application is taken out by Respondent No.1(Original Applicant) for withdrawal of compensation. Considering that the ground of challenge in the present case is contributory negligence on the part of the driver of the motor cycle, on which Respondent No.1 accident victim was riding pillion, and the dispute as to

the quantum of compensation, it is in the interest of justice that the Applicant (Original Respondent No.1) to the First Appeal should be permitted to withdraw 50% of the amount deposited by the Appellant Corporation.

4. Accordingly, the Civil Application is disposed of by permitting the Applicant to withdraw a sum of Rs.11 lakhs from out of the compensation deposited by the Respondent Corporation, without security. Rest of the amount to be deposited by MACT, Kolhapur in a fixed deposit of a nationalized bank, initially for a period of one year and to be renewed from time to time till disposal of the appeal.

5. All parties, including the Registrar, MACT, Kolhapur, to act on the authenticated copy of this order.

(S.C. GUPTE, J.)