

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

**CIVIL APPLICATION NO. 4770 OF 2018
IN FIRST APPEAL No. 148 of 2018**

Santosh Devidas Khonde	... Applicant
VERSUS	
Divisional Controller, MSRTC and another	... RESPONDENT

Mr S.N. Lavekar, Advocate for applicant
Mr D.S. Bagul, Advocate for respondent No.1.

CORAM : SUNIL P. DESHMUKH, J.

DATE : 27th April 2018

ORDER :

Heard learned Counsel for the parties.

2. On hearing, it emerges that applicant has suffered 100% disability in the accident which had occurred in the year 2012. Applicant had been working as a barber and had claimed compensation of Rs. 20,00,000/- and interest. There is no particular dispute in respect of disability being suffered by the applicant and that due to the same, his earning has been drastically affected, rather, has come to an end. Applicant was 36 years old and has lot of family responsibilities.

3. In the circumstances, although learned Counsel for

respondent No.1 purports to resist withdrawal of the amount contending that it is a case of contributory negligence, yet having regard that as on the date award is in favour of applicant and there is no particular dispute about needs being expressed by applicants, it would be expedient to allow applicant to withdraw sum of Rs. 10,00,000/- (Rs. Ten lacs only) from the deposited amount in this Court on furnishing of undertaking by applicant that the amount so withdrawn be paid back/re-deposited by him in this Court within a period of three months from date of decision in the appeal, if the same goes against the applicant. Undertaking to be filed within a period of three weeks from today.

4. Civil Application is, accordingly, disposed of in above terms.

**(SUNIL P. DESHMUKH)
JUDGE.**

Madkar