

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13883 OF 2018
IN WP/4874/2011

SHAIKH HASSAN SHAIKH AMIR LRS
VERSUS
THE DIVISIONAL CONTROLLER MSRTC AHMEDNAGAR

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Advocate for Applicant : Shri Barde Parag Vijay
Advocate for Respondents : Shri Deshmukh B.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: November 30, 2018
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PER COURT :-

1. The applicants are the L.Rs. of the deceased Shaikh Husain Shaikh Aamir and his widow Naushad Husain who has recently passed away on 10.3.2017.

2. The applicants have made two requests in this application. Firstly, that the MSRTC has wrongly mentioned the name of Shaikh Husain as Shaikh Hassan. Secondly, by the judgment of this Court, the retiral benefits were to be paid to the widow of Shaikh Husain. Since she has passed away, all L.Rs. have tendered an affidavit in this Court, from page No.20 of the Civil Application, declaring that the eldest son Altaf Husain Shaikh, be paid the legal dues of the deceased Shaikh Husain.

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3. Learned Advocate or the Corporation submits that all other L.Rs. need to be indemnified by L.Rs. No.1. This civil application may be accepted subject to a direction to the first L.R. namely, Altaf Husain Shaikh to submit an affidavit - indemnification bond to the MSRTC stating clearly that if any dispute arises in future amongst the L.Rs. of Shaikh Husain, Altaf Husain would indemnify the corporation and would be liable to satisfy the claims of the L.Rs. No financial liability of any nature would be imposed on the MSRTC.

4. Learned Advocate for the L.Rs. submits, on instructions, that Altaf Husain would execute such an affidavit / indemnity bond and submit it to the MSRTC within four weeks, subject to which, the legal dues could then be disbursed.

5. In view of the above, the statement of Altaf Husain Shaikh is accepted and this Civil Application is allowed with the following directions:-

(A) The name of the respondent in the Writ Petition shall stand corrected as Shaikh Husain Shaikh Aamir. Said correction shall also be reflected in the judgment of this Court dated 19.6.2015 and the Registry would take necessary steps therefor.

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(B) Altaf Husain Shaikh shall tender the original affidavit and documents annexed thereto, appearing as page No.20 to 34 set out in the Civil Application, along with an original indemnity affidavit bond as directed above.

(C) Only after the above documents are tendered in original form to the Divisional Controller of the respondent at Ahmednagar, the MSRTC would process the payment of legal dues of deceased Shaikh Husain to Altaf Husain Shaikh.

(RAVINDRA V. GHUGE, J.)

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