

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (F) NO.2542/2018
IN FIRST APPEAL STAMP NO.10729/2016

M.S.R.T.C. through its Divisional Controller, Nagpur .vs. Natasha d/o Ajay Jain & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. V. G. Wankhede, Advocate for applicant.
Mr. C. A. Joshi, Advocate for non applicant.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 5, 2018

This is an application filed on behalf of respondent nos.1 and 2 to withdraw the amount.

Heard Mr.Joshi, learned counsel for respondent nos. 1 and 2/applicants and Mr. Wankhede, learned counsel for appellant/non applicant. The application is strongly opposed by Mr. Wankhede, learned counsel for appellant.

Initially, a claim petition was filed before the Motor Accident Claims Tribunal, Akola and on 08.03.2015, in pursuance to the award passed by the said tribunal, an amount of Rs.19,82,050/- was deposited by the M.S.R.T.C. before the M.A.C.T. Akola and the said amount was withdrawn by respondent nos.1 and 2. Thereafter, respondent nos. 1 and 2 moved an application for review before the M.A.C.T. Akola and on 11.12.2015, the learned Member, M.A.C.T. Akola enhanced the compensation to Rs.33,42,850/-. The said order is under challenge by the M.S.R.T.C. by filing the present appeal.

This Court has already admitted the appeal on 12.06.2017. The appellant has deposited an amount of Rs.20,19,680/- in this Court and the present application is moved for withdrawal of the said amount. The reason given is that applicant no.1/respondent no.1 is taking education in the United States of America. The application is not on affidavit. Further, there are no details given about the education, etc.

In that view of the matter, I find no substance in the present application. The same is, therefore, dismissed.

JUDGE

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