

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

**1024 CIVIL APPLICATION NO.4813 OF 2019
IN FA/528/2019**

**MANSUR AMIRMIYA JAHAGIRDAR
VERSUS
M.S.R.T.C., THR ITS DIV. CNTROLLER AND ANR**

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Advocate for Applicant : Mr. Bedre Vinayak Sudhakar
Advocate for Respondent No.1 : Mr. B. S. Deshmukh

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 19th JULY 2019

ORDER :

. Present application has been filed for withdrawal of the amount deposited by the respondent No.1 in this Court. Respondent No.1 has deposited amount of Rs.16,90,996/-. The learned Advocate for respondent No.1 has strong objection for withdrawal of the amount on the ground that the appeal has been filed by the appellant on the ground that it was a fake claim. The applicant, who himself is an advocate and was on the panel of respondent No.1 in the past had every knowledge about the procedure that was required to be adopted in case of accident. However, he lodged the report after about six months contending that when he was stepping down from the bus the respondent No.2 had taken the bus in reverse direction, as a result of which, he had fallen

down and sustained serious injuries.

2. At present a competent Court has come to the conclusion that the accident had taken place due to the negligence on the part of present respondent No.2 and respondent No.1 being the employer is liable to pay the compensation. Under such circumstance, definitely, case is made out for partial withdrawal of the amount. Applicant is entitled to withdraw amount of Rs.6,00,000/- subject to giving undertaking that he would make the said amount good, if directed at the time of final disposal of the appeal.

3. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/