

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.5469 OF 2019
IN
FIRST APPEAL (STAMP) NO.38753 OF 2018
(Bhagwan Limbaji Savale and another Vs. M.S.R.T.C.,
through its Divisional Controller, Parbhani)

Mr. Pramod C. Mayure, Advocate for the applicants
Mr. A.D. Wange, Advocate for respondent No.1

CORAM : SUNIL K. KOTWAL, J.

DATE : 3rd MAY, 2019

ORDER :

Heard learned counsel for the applicants/
claimants and learned counsel for respondent No.1 –
M.S.R.T.C.

2. Learned counsel for M.S.R.T.C. objects the
withdrawal of the compensation amount on the ground of
the plea of contributory negligence raised by the
M.S.R.T.C.

3. I have gone through the judgment and award.
Considering the award passed by the Tribunal, I feel
it desirable to allow applicant No.2 Sow. Indrabai
only to withdraw 50% of the amount of compensation

with accrued interest thereon, subject to filing of written undertaking in the First Appeal to re-deposit the withdrawn amount as and when directed by this Court. The undertaking shall be filed within a period of eight weeks from the date of passing of this order. The balance amount shall be invested in fixed deposit in any nationalized bank till final hearing of the appeal. Civil Application is accordingly allowed and disposed of.

[SUNIL K. KOTWAL]
JUDGE

npj/ca5469-2019