

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

**1040 CIVIL APPLICATION NO.12583 OF 2019  
IN FAST/15673/2018**

**BHAGIRATH SHYMAJI SHINGANE AND ANR  
VERSUS  
THE DIV. CONTROLLER, M.S.R.T.C DIV. AHMEDNAGAR**

...  
Advocate for Applicants : Mr. Bhapkar S.L.  
Advocate for Respondent : Mr. Bhausahab S. Deshmukh  
...

**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 18<sup>th</sup> OCTOBER, 2019.**

**ORDER :**

. Present application has been filed for withdrawal of amount.  
Amount of Rs.68,27,113/- has been deposited in this Court.

2. Learned Advocate appearing for the respondent submits that  
the appeal has been filed challenging the finding in respect of negligence  
and the quantum. The quantum has been taken on very higher side.

3. All these points have been dealt with by the tribunal at this  
stage and therefore, when prima facie a competent Court has come to the  
conclusion and awarded the compensation, definitely, case is made out for  
partial withdrawal of the amount.

4. Perusal of the operative order would show that certain amount was directed to be kept in fixed deposits and the apportionment has been done and certain amount has been directed to be paid through account payee cheque. Taking into consideration this aspect, applicant No.1 is allowed to withdraw amount of Rs.6,10,700/- and applicant No.2 is allowed to withdraw amount of Rs.5,00,000/-. Rest of the amount be kept in fixed deposit as per the award.

5. Applicants shall file an undertaking within a period of eight weeks that they would make the said amount good, if directed at the time of final disposal of the appeal.

6. Civil Application stands disposed of accordingly.

**(SMT. VIBHA KANKANWADI, J.)**

SCM