

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

**1042 CIVIL APPLICATION NO.12601 OF 2019
IN FAST/8402/2019**

**KANTABAI LAHURAO GAIKWAD AND ANR
VERSUS
DIVISIONAL CONTROLLER, M.S.R.T.C., DIVISION OFFICE, BEED**

...
Advocate for Applicants : Mr. Gade Akash D.
Advocate for Respondent : Mr. A.B. Dhongade
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 18th OCTOBER, 2019.

ORDER :

. Present application has been filed for withdrawal of amount.
Amount of Rs.14,47,378/- has been deposited in this Court.

2. Learned Advocate appearing for the respondent submits that the appeal has been filed challenging the finding on the point of negligence. It is stated that at least the contributory negligence of the deceased ought to have been considered. Taking into consideration the fact that there was head on collision, the appeal has been filed challenging the quantum also.

3. Taking into consideration the points raised in the appeal, so also the fact that the competent Court has come to the conclusion and saddled the liability on present respondent, definitely, case is made out for partial withdrawal of the amount.
4. Applicant Nos.1 and 2 are allowed to withdraw amount of Rs.3,00,000/- each.
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.

(SMT. VIBHA KANKANWADI, J.)

SCM