

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

**1037 CIVIL APPLICATION NO.12038 OF 2019  
IN FA/2682/2019  
WITH CA/12039/2019 IN FA/2681/2019**

**MUDDASSAR KHALIL ATAR  
VERSUS  
THE M.S.R.T.C., THR ITS DIV. CONTROLLER**

...  
Advocate for Applicant : Mr. Sachin S. Kotkar  
Advocate for Respondent : Absent.  
...

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

**DATE : 4<sup>th</sup> OCTOBER, 2019.**

**ORDER :**

. Present applications have been filed for withdrawal of amount.

Learned Advocate appearing for the respondents-appellants is absent.

2. Perusal of the appeal memo would show that the appellants are challenging the decision of the tribunal on the point of negligence as well as quantum. Since the competent Court has arrived at a particular conclusion, at this stage, case is definitely made out for partial withdrawal of the amount.

3. Hence, the applicants are allowed to withdraw 50% of the amount deposited in this Court. The amount which is allowed to be withdrawn by the applicants in Civil Application No.12039 of 2019 be distributed to the applicants equally.
4. 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 appeals.
5. Civil Applications stand disposed of accordingly.

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

SCM