

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

CIVIL APPLICATION NO. 6023 OF 2020 IN
FIRST APPEAL NO. 183 OF 2020

MEENA SANJAY BAWALE AND OTHERS
VERSUS
M.S.R.T.C. THROUGH ITS DIVISIONAL CONTROLLER,
BEED AND OTHERS

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Mr. S.B. Choudhari, Advocate for applicant
Mr. N.T. Tribhuwan, Advocate h/f. Mr. A.D. Wange, Advocate for
respondent no. 1
Mr. M.S. Karad, Advocate h/f Mr. S.S. Thombre, Advocate for
respondents no. 3 and 4

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CORAM : SUNIL P. DESHMUKH &
R.G. AVACHAT, JJ.
DATE : 08-12-2020

ORDER :

1. Heard learned counsel for appearing parties.
2. This application has been filed by original claimants no. 1 to 3 for withdrawal of amount deposited in this court pursuant to order dated 20th January, 2020 passed by the court in civil application no. 617 of 2020.
3. Learned counsel for applicants points out that all the five claimants have equal share in the compensation granted by tribunal and, thus, requests that present applicants be allowed to withdraw

their share from the deposited amount, albeit, inadvertently it has prayed for withdrawal of entire amount.

4. Learned counsel appearing for respondent – MSRTC submits that compensation granted is rather too high and steep and does not commensurate with evidence on record.

5. Learned counsel for applicants submits that the amount deposited in this court is only 50% of the compensation granted and applicants are in dire need of the same as recovery proceedings have been initiated for the loan taken by the deceased and for maintenance as well as educational purposes.

6. Learned counsel for original claimants no. 4 and 5 (respondents no. 3 and 4 herein) has no particular objection for the request being made on behalf of original claimants no. 1 to 3 for withdrawal of amount to the extent of their share. He further submits that application would also be moved by original claimants no. 4 and 5 for withdrawal.

7. Having regard to aforesaid, 50% of the compensation amount has been deposited and while the requirements being not disputed, applicants herein be allowed to withdraw amount deposited in this court, of their share on furnishing an undertaking to the Registrar (Judicial) of this court to the effect that in case the decision in first appeal goes adverse to their interests, they would

re-deposit / pay back, the amount withdrawn under this order, in this court within a period of two months from the date of decision in the first appeal in tune with the decision.

8. Civil application is accordingly disposed of.

[R. G. AVACHAT]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

vdk