

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

**CIVIL APPLICATION NO. 4183 OF 2021
IN
FIRST APPEAL (STAMP) NO. 33624 OF 2019**

Sk. Sirajoddin S/o Sk. Nizamoddin ... Applicant

Versus

Maharashtra State Regional Transport
Corporation, through Divisional Controller,
MSRTC, Nanded Division,
Tq. & Dist. Nanded ... Respondent

....

Mr. V.P. Sawant, Advocate h/f Mr. A.D. Hande, Advocate for Applicant
Mr. Manoj Shinde, Advocate h/f Mr. M.K. Goyanka, Advocate for
Respondent

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 29th JUNE, 2021

PER COURT:-

1. It is an application for withdrawal of amount moved by the applicant.
2. Heard Mr. V.P. Sawant, learned counsel holding for Mr. A.d. Hande, learned counsel for the respondent and Mr. Manoj Shinde, learned counsel holding for Mr. M.K. Goyanka, lerned counsel for respondent. Perused the impugned judgment and award passed by the Motor Accident Claims Tribunal at Nanded.

3. At this stage, it would not be just and proper to touch the merits of the appeal. Whatever the grounds raised by Mr. Manoj Shinde, learned counsel appearing for the respondent would be certainly taken into consideration at the time of final hearing of the appeal. It is an injury claim and looking to the Covid-19 pandemic, it is necessary to allow the applicant to withdraw atleast 50% of the amount deposited by the M.S.R.T.C. in this Court. With these observations, I conclude and pass the following order:

ORDER

- (i) The application is hereby allowed.
- (ii) The applicant is permitted to withdraw 50% of the amount deposited by the M.S.R.T.C. / appellant in this Court on furnishing usual undertaking with necessary conditions to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) Remaining 50% of the amount deposited by the M.S.R.T.C. / appellant be kept in fixed deposit in nationalized Bank i.e. State Bank of India, High Court Branch at Aurangabad till final decision of the appeal.
- (iv) The civil application is disposed of accordingly.

(**SHRIKANT D. KULKARNI**)
JUDGE

S.P Rane