

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

19 CIVIL APPLICATION NO.2972 OF 2022
IN FA/1011/2021

EJAJ NISAR SHAIKH

VERSUS

SANJAY WAMANRAO JADHAV
AND ANOTHER

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Advocate for Applicant : Mr F.K. Patel
Advocate for Respondent No. 1: Mr H.I. Pathan
Advocate for Respondent No. 2 : Mr A.D.Wange

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 18th APRIL, 2022

PER COURT :

1. It is an application for withdrawal of compensation amount moved by the claimant.
2. Heard Mr F.K. Patel, learned counsel for the applicant/claimant, Mr A.D. Wange, learned counsel for respondent No.2 and Mr H.I. Pathan, learned counsel for respondent No.1.
3. It is revealed during the course of argument that the Tribunal was pleased to award compensation in favour of the applicant/claimant assessed at Rs. 44,82,693/- with interest @ 9% per annum. That impugned Judgment is challenged before this Court by way of the First Appeal and it is under scrutiny. Respondent No.2/MSRTC has deposited 75% amount of compensation in view of the order passed by this Court dated 14.07.2021.
4. It is injury claim. Right hand of the claimant came to be paralyzed due to injury caused in the motor vehicle accident.

5. The claimant was riding motorcycle when met with an accident with MSRTC bus. Having regard to the nature of injury claim and looking to the grounds raised in the appeal memo, I am convinced to allow the claimant to withdraw 50% amount of compensation deposited by the MSRTC in this Court with interest which would meet the ends of justice and would take care of interest of the MSRTC.

ORDER

- (i) The application is hereby allowed.
- (ii) The applicant/claimant is permitted to withdraw 50% amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (iii) MSRTC/respondent No.2 is hereby directed to deposit remaining 25% amount of compensation within a period of eight weeks from today.
- (iv) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

mta