

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

CIVIL APPLICATION NO.5759 OF 2022 IN FA/1722/2018

AJINATH MANOHAR MOHITE
VERSUS
THE DIV. CONTROLLER, M.S.R.T.C, DIV. AHMEDNAGAR

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Mr. U.U. Wagh, Advocate for the Applicant
Mr. B.S. Deshmukh, Advocate for Respondent.

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 21st APRIL, 2022

PER COURT:-

1. It is for the second time the applicant is seeking withdrawal of compensation amount.
2. Heard Mr. U.U. Wagh, learned counsel for the applicant and Mr. B.S. Deshmukh, learned counsel for the respondent.
3. It is revealed during the course of argument that it is an injury claim. The Tribunal was pleased to award the compensation of Rs.17,02,000/- to the applicant with interest @ 8% per annum inclusive of N.F.L. amount. The respondent / M.S.R.T.C. has deposited the entire decretal amount in this Court. Out of it, 50% amount of compensation has been withdrawn by the applicant / claimant, which approximately comes to Rs.12,00,000/-.

4. Mr. Wagh, learned counsel for the applicant submits that the applicant again met with an accident and incurred more than Rs.3,00,000/- for his medical treatment and that's why he needs money. He also invited my attention to copies of discharge card, medical bill and documents relating to his hospitalization.

5. Mr. Deshmukh, learned counsel for the respondent / M.S.R.T.C. strongly opposed to allow this application. He submits that the applicant has already withdrawn Rs.12,00,000/-, which can be utilized for the treatment of the applicant. He submits that this appeal can be taken up for final hearing instead of allowing the applicant to withdraw the remaining balance amount.

6. Having considered the submissions of both the sides and looking to the fact that the applicant has already withdrawn 50% of the amount of compensation, which approximately comes to Rs.12,00,000/-, it is not fit case to allow the applicant to withdraw the remaining balance amount of the compensation. The appeal can be expedited for final hearing so that it can be disposed of having regard to injury claim filed by the applicant /claimant.

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7. The application for withdrawal of amount is hereby rejected.

8. Hearing of the appeal is expedited. It be listed under the category of final hearing on 28.06.2022, if all the formalities are completed.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane