

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

939 CIVIL APPLICATION NO. 8361/2022
IN FA/581/2021

PRATIBHA SHALUMAN SHIRSATH AND ORS
VERSUS
THE DIV. CONTROLLER, M.S.R.T.C., AHMEDNAGAR

...
Advocate for Applicants : Latange V.P.
Advocate for Respondent : Mr. Wange Anand D.
...

CORAM : ANIL L. PANSARE, J.
DATE : 8th July, 2022

PC.:-

Heard. The applicants are seeking withdrawal of the amount deposited by the MSRTC.

2. The MSRTC has filed appeal against the judgment and award dated 24.06.2020 passed by the M.A.C.T., Ahmednagar in MACP No.218/2017. One of the main ground of challenge is that the learned Tribunal ignored the aspect of contributory negligence and accordingly learned counsel for the non-applicants has raised objection for releasing the amount in favour of the applicant.

3. Considering the submissions made by the non-applicant/appellant, the purpose will be served if the applicants are allowed to withdraw 50% of the amount of compensation deposited by the Corporation.

Hence, the following order:-

- i) The applicants are allowed to withdraw 50% of the amount on furnishing an undertaking to the satisfaction of the learned Registrar (Judicial).
- ii) The application stands disposed of.

[ANIL L. PANSARE, J.]