

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

**934 CIVIL APPLICATION NO.11247 OF 2022
IN FA/2130/2021**

**SHADUL BABAMIYA SAYED
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CO. THR THE
DIVISIONAL CONTROLLER, MSRTC, LATUR**

...
Advocate for Applicant : Mr. Patel Fayaz K.
Advocate for Respondent : Mr. D. S. Bagul
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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 22/09/2022.
....

P. C. :

1. Heard rival submissions.
2. The applicant, who is injured claimant, is seeking withdrawal of entire amount of compensation which has been deposited by the respondent MSRTC.
2. The learned counsel for the respondent strongly opposed the application on the ground that the applicant himself contributed in the occurrence of accident as it was head-on collision. The learned counsel for the applicant submits that the offence is registered only against the ST driver and charge sheet is also against him. He pointed out that in other matter arising out of same accident, this court has granted withdrawal of 50% of the compensation amount, wherein the entire amount of award was deposited. In the instant case, only 75% of the award has been deposited.

3. In view of the aforesaid order dated 18/02/2022, following order is passed.

ORDER

- A). The civil application is partly allowed.
- B). The applicant-claimant is permitted to withdraw 75% of the deposited amount alongwith proportionate interest accrued thereon till date on usual undertaking to the satisfaction of Registrar (Judicial) of this court.
- C). The balance amount be kept in fix deposit in any nationalized bank till disposal of this appeal on year to year renewal basis.
- D). The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)