

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

CIVIL APPLICATION NO.12895 OF 2021 IN FA/1276/2009

**BHAGWAT PANDHARI SURWASE
VERSUS
M.S.R.T.C. THROUGH ITS DIVISIONAL CONTROLLER S.T. LATUR
AND ANOTHER**

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Mr. Fayaz K. Patel, Advocate for the Applicant
Mrs. N.K. Helkute, Advocate h/f Mr. R.D. Reddy, Advocate for
Respondent No.1
Mr. N.G. Kale, Advocate for Respondent no.2

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 22nd MARCH, 2022

PER COURT:-

1. It is an application for withdrawal of compensation amount moved by the applicant / claimant.
2. Heard Mr. Fayaz Patel, learned counsel for the applicant / claimant, Mrs. N.K. Helkute holding for Mrs. R.D. Reddy, learned counsel for respondent no.1 / M.S.R.T.C. and Mr. N.G. Kale, learned counsel for respondent no.2.
3. Mrs. Helkute holding for Mrs. Reddy, learned counsel for respondent no.1 / M.S.R.T.C. points out that the entire amount of compensation has been deposited by the M.S.R.T.C. with the

Tribunal. As such, the application for withdrawal of amount cannot be considered.

4. It is for the applicant / claimant to withdraw the amount of compensation from the Tribunal / executing Court by moving an application. As such, the application stands simply disposed of.

5. If the appropriate application is made by the claimant, the Tribunal / executing Court may consider the same on its own merits and pass appropriate order.

6. It is pointed out that there is connected appeal bearing no. 4707 of 2008 arising from the same accident. As per order passed by this Court dated 22.12.2021, the Registry is directed to tag first appeal no. 4207/2008 to the proceedings of the present appeal.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane