

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

**CIVIL APPLICATION NO. 4959 OF 2023 IN
FIRST APPEAL NO. 2030 OF 2018**

Yasminbegum Mohamad Shahebaj
and others

Applicants

Versus

The Divisional Manager, M.S.R.T.C.,
Beed & another

Respondents

Mr. Mr. M. N. Shaikh, advocate holding for Mr. S. S. Kazi, advocate
for the Applicants

Mr. S. R. Bagal, advocate for Respondents No.1 & 2.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 25th April, 2023.

PC :

Heard rival submissions.

The applicants are seeking withdrawal of entire amount of compensation, which has been deposited by the appellant-MSRTC. It is to be noted that the MSRTC has deposited only 50% of the total compensation along with proportionate interest, as directed by this Court.

The learned Counsel for the appellant-MSRTC has strongly opposed the application on the ground that substantial amount is already allowed to be withdrawn by the applicants earlier in the year 2018. As such, no further withdrawal can be

permitted. Moreover, one of the applicants is minor.

However, it appears that the MSRTC has deposited only 50% of the total compensation amount and, therefore, by not asking deposit of remaining 50%, the interest of appellant-MSRTC is already protected.

Therefore, considering this aspect, the remaining amount is allowed to be withdrawn by applicants no.1, 3 and 4 at this juncture along with proportionate interest and as per their respective shares, as apportioned by the learned Tribunal. The amounts withdrawn by them earlier and the amounts which are allowed to be withdrawn by them as per this order be considered as their respective shares in the total compensation amount. The applicants no.1, 3 and 4 are entitled to withdraw remaining amount on furnishing usual undertaking to the satisfaction of Registrar (J) of this Court. The amounts, which are to be withdrawn by these applicants no.1, 3 and 4, are allowed to be withdrawn by them separately.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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