

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

**CIVIL APPLICATION NO. 14267 OF 2022 IN
FIRST APPEAL ST. NO. 25566 OF 2022**

Divisional Controller, MSRTC,
Ahmednagar

Applicant

Versus

Machindra Namdeo Rasal

Respondent

Mr. A. M. Reddy, advocate holding for Mr. B. S. Deshmukh,
advocate for the Applicant
Mr. U. V. Wagh, advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 09th January, 2023.

PC :

The learned Counsel Mr. U. V. Wagh waives notice
for Respondent-claimant.

The appellant-MSRTC is seeking condonation of
delay of only 105 days, which appears to be caused due to
obtaining approvals at various stages.

There is no strong objection from other side.

In view of the same, delay of 105 days stands

condoned. The appeal be placed for admission after removal of office objections, if any.

Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO. 210 OF 2023 IN
FIRST APPEAL ST. NO. 25566 OF 2022**

Machindra Namdeo Rasal

Applicant

Versus

The MSRTC, Division, Ahmednagar

Respondent

Mr. U. V. Wagh, advocate for the Applicant

Mr. A. M. Reddy, advocate holding for Mr. B. S. Deshmukh,
advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 09th January, 2023.

PC :

Heard rival submissions.

The applicant is seeking withdrawal of entire compensation amount which has been deposited by the appellant-MSRTC.

The learned Counsel for the appellant-MSRTC strongly opposed the application on the ground that the learned Tribunal has granted exorbitant amount of compensation. He pointed out that there was contributory negligence since it was a head on collision. He also pointed out that the income of the applicant was

taken at higher side and the percentage of disability was also not properly determined.

The learned Counsel for the applicant strongly opposed the aforesaid submission and supported the calculations made by the learned Tribunal.

Considering the grounds raised by the appellant-MSRTC in this appeal, I am of the opinion that certain amount can be withheld till disposal of the appeal.

Hence, the applicant, at this juncture, is allowed to withdraw 50% of the compensation amount along with accrued interest thereon till date by furnishing usual undertaking to the satisfaction of the Registrar (J) of this Court. The remaining amount be invested in FDR, in any Nationalized Bank, on yearly renewal basis till final disposal of this appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO. 14268 OF 2022 IN
FIRST APPEAL ST. NO. 25566 OF 2022**

Divisional Controller, MSRTC,
Ahmednagar

Applicant

Versus

Machindra Namdeo Rasal

Respondent

Mr. A. M. Reddy, advocate holding for Mr. B. S. Deshmukh,
advocate for the Applicant

Mr. U. V. Wagh, advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 09th January, 2023.

PC :

The learned Counsel Mr. U. V. Wagh waives notice for
Respondent-claimant.

Since the appellant-MSRTC has deposited the entire
amount of compensation along with interest, the Civil Application
is made absolute in terms of prayer clause "B" and is disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb

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

FIRST APPEAL ST. NO. 25566 OF 2022

Divisional Controller, MSRTC,
Ahmednagar

Appellant

Versus

Machindra Namdeo Rasal

Respondent

Mr. A. M. Reddy, advocate holding for Mr. B. S. Deshmukh,
advocate for the Appellant

Mr. U. V. Wagh, advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 09th January, 2023.

PC :

The learned Counsel Mr. U. V. Wagh waives notice for
Respondent-claimant.

Call R. & P.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb