



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 CIVIL APPLICATION NO. 3078 OF 2024
IN SA/76/2019

DEEPAK MANIKRAO KHATHARE

VERSUS

DIVISIONAL CONTROLLER, LATUR, MAHARASHTRA STATE ROAD
TRANSPORT CORPORATION AND OTHERS

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Advocate for Applicant : Mr. Rajiv B. Deshmukh

Advocate for Respondents : Ms. Ranjana D. Reddy

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 20.03.2024

PER COURT :

1. The applicant has filed present application seeking permission to withdraw the amount of Rs. 1,83,284/- which have been deposited by the original appellant – Divisional Controller, MSRTC, Latur before this Court.

2. It is pertinent to note that the present applicant is the original plaintiff in Special Civil Suit No. 112/2010 (old No. 44/2008) whereby the learned trial Court decreed the suit by holding that the plaintiff is entitled to recover amount of Rs. 1,00,000/- and interest thereon at the rate of 8 % p.a. from the defendants towards loss caused to the perishable goods. Being aggrieved by the said judgment and decree,

the original defendant – M.S.R.T.C. had filed Regular Civil Appeal No. 34/2014. However, on 03.03.2018 said appeal came to be dismissed. Being aggrieved by the said judgment and decree, the original defendants filed present appeal. Therefore, the applicant / original plaintiff is entitled to receive entire amount of Rs. 1,83,284/- which were deposited by the original respondent/M.S.R.T.C. with this Court with accrued interest thereon if any.

3. In view of the above, the present Civil Application is hereby allowed and disposed of.

4. The Registry of this Court is directed to disburse the amount to the applicant after verification.

(Y. G. KHOBRADE, J.)