



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

916 CIVIL APPLICATION NO. 9187 OF 2024
IN FA/1454/2024
WITH
CIVIL APPLICATION NO. 6257 OF 2024
IN FA/1454/2024

DATTA NARAYAN SURYWANSHI
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION

...
Advocate for Applicant : Mr. Vinayak D. Patnurkar
Advocate for Respondent : Mr. D. S. Bagul
...

CORAM : KISHORE C. SANT, J.
DATE : 24.10.2024.

PER COURT :

WITHDRAWAL

1. Heard the parties. This application is filed for withdrawal of the amount deposited by the appellant MSRTC, towards compensation as per the impugned judgment and award in the office of this Court.

2. The application is vehemently opposed by the learned Advocate Mr. Bagul for the respondent. He submits that the applicant has not produced any evidence to show his earnings. Though it is stated that the applicant is agriculturists

and he is getting income from the agricultural produce, he has not produced anything to show that the applicant is getting anything from the agricultural produce. He submits that under such circumstances his notional income ought to have been considered as 6,000/-p.m. whereas, the learned trial Court has taken his income as Rs. 12,000/- p.m. and has determined the compensation.

3. After hearing the parties, this Court thinks that the following order will meet the ends of justice :

ORDER

(i) The applicant is permitted to withdraw 50% of the amount alongwith accrued interest deposited in this Court as per the impugned judgment and award on furnishing usual undertaking.

(ii) Further 25 % amount alongwith accrued interest deposited in this Court is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar, (Judicial) of this Court.

(iii) Remaining 25% amount be deposited in fixed deposit, in any nationalized bank, to be

renewed from time to time till the disposal of the appeal.

(iv) With this, the Civil Application stands allowed and disposed off.

STAY

1. Since the entire amount of compensation is already deposited in this Court, there shall be stay to the execution, and operation of the impugned judgment and award till disposal of the appeal.

2. The Civil Application stands allowed and disposed off.

FIRST APPEAL

1. Heard.

2. Call R & P.

**(KISHORE C. SANT)
JUDGE**

mahajansb/