



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 CIVIL APPLICATION NO. 6273 OF 2024
IN FAST/30659/2023
DASHRATH S/O. RAMESH MALKEKAR AND ORS

VERSUS

THE MAHARASHTRA STATE ROAD TRANSPORT CORPORATION AND ANR

Mr.M.H. Patil, Advocate for the applicants.
Mr.M.D. Shinde, Advocate for respondent No.1.

CORAM : KISHORE C. SANT, J.
DATED : 05.07.2024

PC :-

01. Heard. This Civil Application is filed for withdrawal of the amount deposited by the respondent – MSRTC in this Court pursuant to the judgment and award passed by the learned MACT, Dhule in MACP No.324 of 2017 along with interest.

02. This application is opposed by the learned Advocate for the respondent-MSRTC. He submits that in this case various grounds are raised as non-joinder of necessary parties and contributory negligence etc.

03. However, considering that the applicants have lost their young daughter and though it is disputed that 100% amount is not deposited by the appellant, this Court finds that following order would meet the ends of justice.

(i) The applicants are allowed to withdraw 50% of the amount deposited in this Court along with accrued interest on furnishing usual undertaking. Further 25% of the deposited amount with accrued interest is permitted to be withdrawn on furnishing

solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in the fixed deposit of any nationalized bank, to be renewed from time to time till disposal of the appeal.

(ii) The Civil Application is accordingly allowed and disposed off.

[KISHORE C. SANT, J.]