



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

**29 CIVIL APPLICATION NO. 12420 OF 2024
IN FAST/18453/2024**

PRAKASH DHONDIRAM MALWADE THROUGH NEXT FRIEND SUNITA
PRAKASH MALWADE
VERSUS
MAHARASHTRA STATE BOARD TRANSPORT CORPORATION

Mr.Sayyed Umair Pasha Badul Quadar, Advocate for the applicant-claimant.

Mr.D.S. Bagul, Advocate for sole respondent-Corporation.

CORAM : KISHORE C. SANT, J.
DATE : 25.11.2024

PC :-

01. This application is for withdrawal of the amount. The application is vehemently opposed by the learned Advocate for the respondent. He submits that the learned Tribunal has taken income of the injured as Rs.8000/- per month, which is quite exorbitant. The owner of the vehicle which the injured was driving is not made party, though it was necessary party. Considering the above, the following order :-

- i. The applicant is permitted to withdraw 50% of the amount deposited in this Court along with accrued interest on furnishing usual undertaking.
- ii. 25% amount along with accrued interest is permitted to be withdrawn on furnishing solvent security/surety to the satisfaction of the learned Registrar (Judicial) of this Court.

- iii. Remaining amount shall be kept in fixed deposit of any nationalized bank to be renewed from time to time till disposal of the appeal.
- iv. The amount is allowed to be withdrawn by the next friend i.e. wife of the applicant.
- v. The civil application is accordingly allowed and is disposed off.

CIVIL APPLICATION FOR CONDONATION OF DELAY.

01. For the reasons stated in the application, the delay caused in filing the first appeal is condoned. The civil application is allowed. The first appeal be registered.

FIRST APPEAL

01. Heard.

02. Admit.

03. Call for record and proceedings.

04. Learned Advocate Mr. Sayyed waives service of notice for the respondent-claimant.

CIVIL APPLICATION FOR STAY

01. Since the amount as per award is already deposited, there

shall be stay to the impugned judgment and award till disposal of the appeal.

02. The civil application is accordingly allowed and is disposed off.

[KISHORE C. SANT, J.]