



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**908 CIVIL APPLICATION NO. 11776 OF 2024
IN FAST/19379/2024**

MOMIN ROSHAN SHAHA
VERSUS
THE DIVISIONAL MANAGER, MSRTC, DIVISION, AURANGABAD AND
ANR

...
Advocate for Applicant : Mr. Kayyum Najir Shaikh.
Advocate for Respondent No.1 : Mr. D. S. Bagul.

...
AND
CIVIL APPLICATION NO. 9245 OF 2024
IN FAST/19379/2024
AND
CIVIL APPLICATION NO. 9246 OF 2024
IN FAST/19379/2024
...

CORAM : **KISHORE C. SANT, J.**

DATE : 21st November, 2024.

P.C.:

. Heard the learned counsel for the parties.

Application for condonation of delay:

2 This is an application for condonation of delay. For the reasons stated in the application, the delay stands condoned. The application is allowed. Appeal be registered.

Application for stay:

3 The amount is already deposited in the office of this Court. In view of the same, there shall be stay to the impugned judgment and

order till decision of the appeal. The application stands disposed of.

Appeal:

4 Heard.

5 **Admit.**

6 Issue notice to respondents. Mr. K. N. Shaikh, learned counsel waives notice on behalf of respondent / claimant on admission.

Application for withdrawal of amount:

7 Heard the learned counsel for the parties.

8 This application is for withdrawal of the amount deposited by the appellant / insurance company in the office of this Court.

9 The application is vehemently opposed by Mr. Bagul, learned counsel for the appellant. He submits that the appeal is filed on various grounds; mainly on the extent of disability, which is taken to 60%, though there is another certificate showing the disability only to the extent of 48%. He further submits that the income is also considered to be on higher side without there being sufficient evidence. The third ground, he submits, is that the claimant / injured was traveling in the rickshaw, however, the rickshaw owner and the insurance company of the rickshaw are not joined as parties. He, thus, prays for rejection of the application.

10 Considering the above, the following order is passed:-

ORDER

- I. The applicant is permitted to withdraw 60% of the amount alongwith accrued interest deposited in this Court on furnishing usual undertaking. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.
- II. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]

nga