



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

**914 CIVIL APPLICATION NO. 9756 OF 2024
IN FA/3055/2023**

SMT. MINAKSHI W/O. SUBHASH MHAISMALE AND ORS
VERSUS
VIJAY S/O. BABURAO BHONGLE AND ORS

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Advocate for Applicant : Mr. Rahul Omprakash Awasarmol.

Advocate for Respondent No.1 : Mr. K. N. Shaikh.

Advocate for Respondent No.2 : Mr. A. D. Wange.

Advocate for Respondent Nos.3 & 4 : Mr. Amol Kokad, h/f Mr. P. P. Pangal.

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

DATE : 11th October, 2024.

P.C.:

. Heard the learned counsel for the parties.

2 This application is for withdrawal of amount deposited by appellant/MSRTC in this Court, as per the impugned judgment and award.

3 Applicant No.3 is still minor. The applicants are claimants, who have filed claim petition before the learned Motor Accident Claims Tribunal. The application though is opposed by Mr. Wange, learned counsel for respondent / original appellant, this Court finds that it would be in the interest of justice to allow the applicants to withdraw the amount as they have lost the earning member of the family. Hence, the following order:

ORDER

- I. The application is partly allowed.
- II. Applicant No.2 is permitted to withdraw 50% of the amount deposited in this Court alongwith accrued interest, to the extent of his share, by furnishing usual undertaking. Further the amount of 25% of the deposited amount, to his extent, alongwith accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.

[KISHORE C. SANT, J.]

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