



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

**88 CIVIL APPLICATION NO. 11220 OF 2024
IN FA/2513/2024**

SMT BALABAI GOPA DHANGAR AND ANR
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION THROUGH
DIVISIONAL CONTROLLER DHULE AND ANR

...
Advocate for Applicant : Mr. Shashank Rajendra Chaudhari.
Advocate for Respondent No.1 : Mr. D. S. Bagul.
...

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

DATE : 17th October, 2024.

P.C.:

. Heard the learned counsels for the parties.

2 This application is for withdrawal of amount deposited by the appellant/MSRTC in this Court. The present applicants are the original claimants whose claim petition came to be allowed by the MACT. The learned counsel for the appellant opposes the application stating that this is a case of contributory negligence. He further submitted that the income of the deceased is taken to Rs.9000/- per month, which is on higher side. If the amount is withdrawn, it would be difficult to recover the said amount. Considering that the amount is already deposited in this Court, keeping the amount idle in this Court is not in the interest of any of the parties. Hence, the following order:-

ORDER

- I. The applicants are permitted to withdraw 50% of the amount alongwith accrued interest deposited in this Court on furnishing usual undertaking. Further 25% of the amount with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.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.
- II. With this, the civil application partly allowed and stands disposed of.

[KISHORE C. SANT, J.]

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