



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

67 CIVIL APPLICATION NO. 12111 OF 2023
IN FA/192/2020

MAHBOOB SHA S/O LAL SHA
VERSUS
M.S.R.T.C., THR DIV. CONTROLLER, MSRTC, NANDED

...
Advocate for Applicant : Mr. Taher Ali Quadri.
Advocate for Respondent : Mr. M. K. Goyanka.
...

CORAM : S. G. MEHARE, J.
DATE : 12.01.2024

PER COURT :-

1. Head the learned counsel for the applicant and learned counsel for the contesting respondent.
2. The present appeal is preferred on the ground that no accident as such happened. There was inordinate delay of 12 days in lodging the FIR. However, the learned Tribunal did not appreciate the facts correctly.
3. *Prima facie*, it appears that the applicant has established the permanent disablement arising out of the vehicular accident and the involvement of ST bus. The appellant has deposited Rs.78,000/- only out of Rs.94,000/-. The appellant submitted that some amount was paid before the Tribunal. Learned counsel for the appellant states that the NFL amount

of Rs.25,000/- was not paid. However, the Court did not pass the order of amount including that NFL amount. Hence, it has deposited Rs.78,000/-. He ought to have get the order modified directing him to deposit money. Be that as it may, Rs.78,000/- has been deposited. Considering the defence of the applicant and the injury suffered to the applicant, the following order is passed :

ORDER

- (i) The application is partly allowed.
- (ii) The applicant is allowed to withdraw Rs.40,000/- from the amount deposited in this Court on the undertaking that he shall return the amount if the judgment is reversed.

(S. G. MEHARE, J.)

...

vmk/-