



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

**903 CIVIL APPLICATION NO. 1732 OF 2024
IN FA/1062/2023**

YOGITA NARENDRA MORE AND ORS
VERSUS
THE MAHARASHTRA STATE ROAD TRANSPORT CORPORATION
THROUGH THE DIVISIONAL CONTROLLER

...
Advocate for Applicant : Mr. Vinod Prakash Patil.

Advocate for Respondent : Mr. Anilkumar B. Dhongade.

...

AND
**CIVIL APPLICATION NO. 3449 OF 2023
IN FA/1062/2023**

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

DATE : 14th November, 2024.

P.C.:

CIVIL APPLICATION NO. 1732 OF 2024

. Heard the learned counsel for the parties.

2 This application is for withdrawal of the amount of compensation deposited in this Court by the appellant/acquiring body.

3 The application is vehemently opposed by the learned counsel for appellant. He submits that the main ground in the appeal is of contributory negligence. If the amount is withdrawn, it would be difficult to recover the said amount.

4 Looking to the fact that the main ground raised in the appeal is of contributory negligence, this Court finds that the ends of justice can be made by the following order:-

ORDER

- I. The application is partly allowed.
- II. Applicant Nos.1, 4 and 5 are permitted to withdraw 50% of the amount of their share alongwith accrued interest on furnishing usual undertaking. Further 25% of the amount of their share alongwith accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.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.
- III. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]

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