

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10215 OF 2024

IN

FIRST APPEAL NO. 576 OF 2024

Jagannath Yashwant Gavade And Anr. ...Applicants

In the matter between

Maharashtra State Transport Corporation,
Through Divisional Controller, Satara ...Appellant

Versus

Jagannath Yashwant Gavade And Anr. ...Respondents

....

Mr. Vaibhav R. Gaikwad, for the Applicants.

Mr. Prathamesh Mandlik, with Mr. Nitesh V. Bhutekar, for the
Appellant in FA.

....

CORAM : N.R. BORKAR, J.
DATE : 6th AUGUST, 2024

P.C.:

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RAMCHANDRA
SANKPAL

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1. This application by the original claimants/respondents in the present appeal for withdrawal of the amount of compensation deposited by the appellant – MSTC pursuant to the impugned judgment and award.

2. The only ground on which appeal is filed is contributory negligence.

3. Considering the facts and circumstances, it would be appropriate to permit the applicants to withdraw 50% of the amount of compensation along with accrued interest.

4. The concerned Tribunal shall permit the original claimants/respondents herein to withdraw 50% of amount of compensation subject to filing of usual Undertaking by them.

5. The Interim Application is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)