



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 9888 OF 2025
IN FAST/17678/2025**

Shaikh Mohommad Iliyas So Md Isahaq

VERSUS

Divisional Controller M S R T C

...

Ms. Asfiya Nuzhat Ansari, Advocate for Applicant

Mr. Narayan Chavan h/f Mr. D. S. Bagul, Advocate for
Respondents

...

WITH

**CIVIL APPLICATION NO. 6840 OF 2025
IN FAST/17678/2025**

WITH

**CIVIL APPLICATION NO. 6841 OF 2025
IN FAST/17678/2025**

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CORAM : AJIT B. KADETHANKAR.

DATED : 20TH SEPTEMBER, 2025

ORDER :-

CIVIL APPLICATION NO. 9888 OF 2025 IN FAST/17678/2025

1. Feeling aggrieved by the judgment and award dated 19.12.2024, passed by the learned Member, Motor Accident Claims Tribunal, Parbhani in M.A.C.P. No.88 of 2022, the M.S.R.T.C./appellant has raised this First Appeal.

2. It is the contention of the appellant that the learned Tribunal has not adjudicated issue of negligence properly, particularly on the point of who was overtaking the tractor.

3. Mr. Narayan Chavan h/f Mr. D. S. Bagul, learned Advocate for M.S.R.T.C./appellant would submit that the evidence in fact adequately showed that the bike rider with whom the claimant was pillion rider was at fault to cause the accident. He would submit that learned Tribunal ought to have held the bike rider equally or atleast for a substantial proportion liable for causing the accident. Mr. Chavan further submits that raising these points, the appeal is filed.

4. Present is the Civil Application filed by the claimant/applicant seeking permission to withdraw the award amount deposited by the appellant/M.S.R.T.C in this Court.

5. Ms. A. N. Ansari, learned Advocate for the applicant submits that the entitlement of the applicant is adjudicated by the learned Tribunal after assessing the evidence on record and particularly the disability suffered by the applicant which is recorded at page no.20 of the compilation as under:

Petitioner has suffered permanent disability to the extent of 75%. Further he has deposed that due to damage of his spinal cord, he is unable to walk, sit, answer nature call and urinating properly. His lower body from waist is totally paralyzed. Witness was present before Court. Court has also personally verified his physical condition. He lost his sensations of lower body

from waist. His lower body from waist is totally paralyzed. In such circumstances, he is unable to do job of his selling fruits. He is unable to walk and stand-up.

6. In such circumstances, Ms. A. N. Ansari, learned Advocate prays to permit the applicant to withdraw the amount.
7. Mr. Narayan Chavan, learned Advocate for the appellant however opposes the Civil Application on the points which are recorded above.
8. In such circumstances, I pass following order:

ORDER

- a. Civil Application is partly allowed.
- b. Applicant is allowed to withdraw 15,00,000/- alongwith interest on furnishing usual undertaking and further 5,00,000/- alongwith interest on furnishing solvent surety/security.
- c. Rest of the amount be deposited in fixed deposit in any nationalized bank.
- d. The permitted withdrawal be transmitted to the learned M.A.C.T. Parbhani.
- e. The usual undertaking and solvent surety/security be submitted to the satisfaction of

the Registrar/Superintendent of the M.A.C.T.,
District Court Parbhani.

f. Civil Application stands disposed of .

CIVIL APPLICATION NO. 6840 OF 2025 IN FAST/17678/2025 (DELAY)

. Feeling aggrieved by the judgment and award dated 19.12.2024, passed by the learned Member, Motor Accident Claims Tribunal, Parbhani in M.A.C.P. No.88 of 2022, the M.S.R.T.C./appellant has raised this First Appeal. There is delay of 75 days caused in filing the present First Appeal.

2. Mr. Narayan Chavan, learned Advocate for the applicant submits that the delay is not inordinate neither is caused out of any lethargy nor negligence or not a deliberate attempt to protract any legal proceeding. He would further prayed for condonation of delay.

3. Ms. A. N. Ansari, learned Advocate for the respondent in all fairness submits no objection to condone the delay and to register the appeal.

4. The entire amount is already deposited by the applicant/appellant M.S.R.T.C. in this Court. Substantial portion of the deposited amount is also permitted to be withdrawn by the claimant.

5. In view of above consideration, I pass following order:

ORDER

- a. Civil Application stands allowed.
- b. Delay of 75 days caused in filing First Appeal is condoned.
- c. Civil Application is disposed of.

FIRST APPEAL ST. NO.17678 OF 2025

- . Heard.
2. Issue notice to the respondent. Ms. A. N. Ansari, learned Advocate waives service of notice for respondent-sole.
3. Admit.
4. Call Record and Proceeding.
5. Appeal be heard finally at the stage of admission on 10.11.2025.

(AJIT B. KADETHANKAR, J.)