



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

**CIVIL APPLICATION NO. 11558 OF 2025
IN FAST/21802/2025**

Najir Rajjak Shekh

.. Applicant

Versus

Maharashtra State Road Transport Corporation

.. Respondents

Mr. Syed Moisali Amjedali, Advocate for the Applicant.

Mr. Saheba Kaur Neb, Advocate h/f Mr. D. S. Bagul, Advocate for Respondent.

AND

**CIVIL APPLICATION NO. 11559 OF 2025
IN FAST/21973/2025**

Shaikh Rafeeqe Usman

.. Applicant

Versus

Maharashtra State Road Transport Corporation

.. Respondents

Mr. Syed Moisali Amjedali, Advocate for the Applicant.

Mr. Saheba Kaur Neb, Advocate h/f Mr. D. S. Bagul, Advocate for Respondent.

AND

**CIVIL APPLICATION NO. 11568 OF 2025
IN FAST/21805/2025**

Abdul Khaleq Abdul Rajjak Beldar

.. Applicant

Versus

Maharashtra State Road Transport Corporation

.. Respondents

Mr. Syed Moisali Amjedali, Advocate for the Applicant.

Mr. Saheba Kaur Neb, Advocate h/f Mr. D. S. Bagul, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 16th OCTOBER, 2025.

PER COURT :-

1. Heard learned advocates for the parties.
2. These applications are for withdrawal of the amount. The applicants are claimants in claims arising out of the same accident.
3. The appeals are filed mainly on the ground of contributory negligence on the part of driver of motorcycle. It is argued that, mere filing of FIR against the bus driver is considered by the learned Tribunal to arrive at a conclusion that, it is the bus driver who was negligent. It is further argued that, three persons were going on same motorcycle itself can be said to be negligent act responsible for the accident.
4. This Court has considered the judgment prima facie. It is observed by the learned Judge that, the accident took place when bus was overtaking a truck on the State highway. Thus, negligence on the part of bus driver also needs to be considered.
5. Considering above, following order :

ORDER

- (I) The civil applications are partly allowed.
- (II) The applicants - claimants are permitted to withdraw 50% of the amount deposited by the appellant in appeal in the office of this Court along with accrued interest on giving usual undertaking. Remaining amount of 50% be kept in a fixed deposit in any Nationalized Bank till disposal of the appeals.
- (III) With this, the civil applications stand disposed of.

(KISHORE C. SANT, J.)

P.S.B.