



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

**936 CIVIL APPLICATION NO. 10965 OF 2025
IN FA/664/2025**

GORKAH HARISHCHANDRA GAIKWAD

VERSUS

MAHARASHTRA STATE REGIONAL TRANSPORT CORPORATION

WITH

CIVIL APPLICATION NO. 12322 OF 2024

IN FA/664/2025

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION CHH SAMBHAJI NAGAR

VERSUS

GORAKH HARISHCHANDER GAIKWAD AND ANR

**938 CIVIL APPLICATION NO. 10974 OF 2025
IN FAST/31076/2024**

SUHAS GOKUL TUPE MINOR THROUGH GUARDIAN GOKUL LAXMAN TUPE

VERSUS

MAHARASHTRA STATE REGIONAL TRANSPORT CORPORATION

WITH

CIVIL APPLICATION NO. 12319 OF 2024

IN FAST/31076/2024

MAHARASHTRA STATE REGIONAL TRANSPORT CORPORATION CHH SAMBHAJI NAGAR

VERSUS

SUHAS GOKUL TUPE AND ANR

WITH

CIVIL APPLICATION NO. 12320 OF 2024

IN FAST/31076/2024

MAHARASHTRA STATE REGIONAL TRANSPORT CORPORATION CHH SAMBHAJI NAGAR

VERSUS

SUHAS GOKUL TUPE AND ANR

Mr. A.R. Kawade, Advocate for the claimants.

Mr. D.S. Bagul, Advocate for Transport Corporation.

CORAM : KISHORE C. SANT, J.

DATE : 04.10.2025

PC :-

CIVIL APPLICATIONS FOR WITHDRAWAL OF AMOUNT

01. These applications are filed for withdrawal of amount deposited by the appellant/insurance company in the office of this Court

towards compensation, as awarded by the learned Member, Motor Accident Claims Tribunal, Aurangabad.

02. The applications are vehemently opposed by the learned Advocate for Transport Corporation. He submits that there are good grounds involved in the appeal. The accident took place of a motor-cycle being driven by the appellant – Gorakh. He was carrying three persons on the motor-cycle i.e. in breach of condition. He further submits that notional income considered of Rs. 8000/- is on higher side.

03. Heard the learned Advocates for the parties. Considering that the applicants are the persons, who received injury, this Court is inclined to allow these applications.

04. These Civil Applications are partly allowed. The applicants are entitled to receive 50% of the deposited amount along with accrued interest on furnishing usual undertaking. 25% of the deposited amount along with accrued interest shall be permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court. Remaining amount shall be invested in fixed deposit of any nationalized bank, to be renewed from time to time, till disposal of the appeals.

CIVIL APPLICATIONS FOR STAY

01. Since the appellant-applicant has already deposited entire amount as per impugned judgment and award, in the office of this Court,

there shall be stay to the impugned judgment and award till decision of the appeal.

02. The Civil Applications for stay accordingly stand disposed off.

CIVIL APPLICATION FOR CONDONATION OF DELAY

01. This application is filed for condonation of delay caused in filing appeal.

02. For the reasons stated in the application, the delay stands condoned. This Civil Application is accordingly allowed and is disposed off.

[KISHORE C. SANT, J.]