



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 524 OF 2025

IN

FIRST APPEAL NO. 1106 OF 2024

The Controller, MSRTC, Railway Station, Nagpur

Vs.

Gopal s/o Balaji Pawar and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. V.H. Kedar, Advocate for applicant.

Mr. V.A. Patait, Advocate for respondent Nos.1 & 2.

CORAM : ROHIT W. JOSHI, J.

DATE : 17.02.2025.

The respondent Nos.1 and 2 i.e. original claim petitioners have moved the present application seeking permission to withdraw the amount of Rs.15,90,323/- deposited by the appellant with this Court, as a condition for grant of stay to the execution of the impugned award.

2. The learned counsel for appellant opposes the application stating that the case is one of contributory negligence and therefore, the amount may not be allowed to be withdrawn. The computation of amount of compensation *prima facie*

appears to be correct. Therefore, it will be proper to allow the respondent Nos.1 & 2 to withdraw a part of the amount. Having regard to the submissions made, I am of the considered opinion that 50% of the amount as deposited along with accrued interest can be allowed to be withdrawn by the respondent Nos.1 and 2, subject to furnishing usual undertaking.

3. The civil application is disposed of accordingly.

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Heard.

2. **Admit.**

3. Mr. Patait, learned counsel waives service of notice on behalf of respondent Nos.1 & 2.

4. Put up for final hearing.

(ROHIT W. JOSHI, J.)