

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2862 OF 2016

IN

FIRST APPEAL (ST.) NO. 31305 OF 2015

Smt. Manisha Vivek Taralekar & Ors. ...Applicants

In the matter between
Andhra Pradesh State Road Transport Corporation ...Appellant

Versus

Smt. Manisha Vivek Taralekar & Ors. ...Respondents

Mr. M.B. Deshmukh, for the Applicants/Respondents No. 1 to 5.

Mr. C.M. Lokesh, for the Appellant.

CORAM : R.M. SAVANT, J.

DATE : 4th August 2016

P.C. :

1. The above Civil Application has been filed for withdrawal of the amount deposited by the Appellant i.e. the Andhra Pradesh State Road Transport Corporation (“APSRTC” in short) in the MACT, Sangli. The Applicants are the widow, children and parents of the deceased, who died on the spot in the accident as he

was run over by the bus of the Appellant Corporation. The principal amount awarded by the MACT, Sangli is to the tune of Rs. 27,87,875/- with 7.5 percent interest. The total amount therefore, comes to Rs. 36,77,498/-, which is deposited by the APSRTC in the MACT, Sangli. The deceased was the sole earning member of the family and on account of his death, the Applicants have lost their dependency. The accident has occurred on 16th March 2010. The Applicants would obviously require money for their day to day expenses. The Appellant APSRTC has questioned its liability for payment of compensation on the ground that there was negligence on the part of the deceased. However, the MACT, Sangli has recorded findings to the contrary.

2. In my view, it would be just and proper to permit the Applicants to withdraw the amount of Rs. 13,50,000/- with commenced rate interest out of the total amount deposited in the MACT, Sangli. Out of the said amount, the amount of Rs. 2,50,000/- each to be kept in fixed deposits in the name of the minor children, so that out of the interest which accrues their needs can be looked after.

3. The balance remaining amount after the withdrawal to

be also kept in a fixed deposit of a Nationalised Bank by the MACT, Sangli, initially for a period of two years and to be renewed thereafter, for appropriate period as deemed fit. The Applicants would be entitled to make an Application for withdrawal of the accrued interest on the balance to be deposited in a fixed deposit as above after a period of two years.

4. The above Civil Application is accordingly disposed of.

[R.M. SAVANT, J.]