

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3072 OF 2015
IN
FIRST APPEAL NO.429 OF 2014**

Mahadev Antu Patil and anr. : Applicants.

In the matter between

**Depot Manager,
N.W.K.R.T.C. : Appellant.**

**Versus
Mahadev Antu Patil and anr. : Respondents.**

**Mr. Bhushan Walimbe for the Applicants.
Mr. C M Lokesh for the original Appellant.**

**CORAM : R. M. SAVANT, J.
DATE : 08th August 2016**

P.C.

1 The above Civil Application has been filed for withdrawal of the amount deposited by the original Appellant i.e. North Western Karnataka Road Transport Corporation. The Applicants herein are the father and mother of the deceased Ananda Mahadev Patil who died in the accident in question on account of the head on collision between his bicycle and the bus of the North Western Karnataka Road Transport Corporation.

2 The Appellant - North Western Karnataka Road Transport Corporation has challenged the Award passed by the Motor Accident Claims Tribunal at Jaysingpur inter alia on the ground of quantum and contributory

negligence. In so far as North Western Karnataka Road Transport Corporation and the driver of the vehicle are concerned, the matter has proceeded exparte against them in the Motor Accident Claims Tribunal at Jaysingpur as no appearance had been put up on behalf of North Western Karnataka Road Transport Corporation as well as on behalf of the driver of the vehicle.

3 In my view, it would be just and proper to permit the Applicants herein to withdraw the amount of Rs.Five lakhs out of the total amount of Rs.Eight lakhs and odd deposited by North Western Karnataka Road Transport Corporation. In the Motor Accident Claims Tribunal at Jaysingpur. The balance remaining after the said withdrawal would be a sufficient buffer for North Western Karnataka Road Transport Corporation, if it ultimately succeeds in the First Appeal. The above Civil Application is accordingly allowed to the aforesaid extent. Time to file private paper book is extended by six months from date. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]