

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CIVIL APPLICATION NO. 780 OF 2017
IN FA/4234/2016

KAUSABAI JALINDAR KARDE AND ORS
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION,
MUMBAI THR ITS THE DIV. CONTROLLER AND ANOTHER

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Advocate for Applicants : Mr. Vilas M. Humbe.
Advocate for Respondent No.1: Mr. D. S. Bagul.

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CORAM : **V. K. JADHAV, J.**
DATE : 24th March, 2017.

P.C.:

. The learned counsel for the Applicants submits that the breadwinner of the family met with an accidental death and the Applicants may be permitted to withdraw the entire amount of compensation or atleast 75% of the amount deposited before this Court.

2 The learned counsel for the Respondent / MSRTC has strongly resisted the application on the ground that the deceased was riding the motorcycle and there was almost head on collusion between two vehicles. The deceased had contributed the negligence, however, the same was not considered by the Tribunal.

3 In view of the above submissions, the Applicants are permitted

to withdraw the 50% of the amount deposited before this Court on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

- 4 Civil application is accordingly disposed of.
- 5 Fix the appeal for admission on 18th April, 2017.
- 6 Record and proceedings be called for.

[V. K. JADHAV, J.]

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