

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2445 OF 2017
IN
FIRST APPEAL st. NO.27011 OF 2016

Shri Narayan Sakharam Kshirsagar & ors. .. Applicants

IN THE MATTER OF:

The Divisional Controller, Nashik Divisional
Maharashtra State Road Transport ... Appellant

Vs.

Shri Narayan Sakharam Kshirsagar & Ors. ... Respondents

Mr.Sachin Gite for the Applicants
Mr.Y.P. Deshmukh for orig. appellant in FA

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: NOVEMBER 8, 2017

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This application is moved by the parents and the widow of the deceased for withdrawal of the amount of compensation deposited by the appellant. Pursuant to the order passed by the learned Member, Motor Accident Claims Tribunal, Niphad dated 10.3.2016 an amount of Rs.10,47,987/- is deposited by the appellant.

3. The learned Counsel for the applicants submits that no amount is withdrawn by the claimants till today.
4. Learned Counsel for the respondent i.e., the original appellant, submits that the appellant has a good case on merits especially on quantum amongst other grounds.
5. In view of the submissions of the learned Counsel, the application is allowed and the applicants are permitted to withdraw 50% of the amount deposited by the appellant-Corporation, alongwith interest accrued thereon, subject to furnishing the usual undertaking to the satisfaction of the Registrar, Motor Accident Claims Tribunal, Niphad. The amounts shall be allowed to be withdrawn as per the entitlements of the claimants. The remaining amount shall be deposited in Fixed Deposit of a nationalised bank.
6. Civil Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)