

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 117 OF 2014
IN
FIRST APPEAL NO. 831 OF 2012

Ratan Pandurang Melge & Ors	...Appellants
<i>Versus</i>	
Maharashtra State Road Transport Corporation, Solapur Depot & Ors	...Respondents

Mr CM Lokesh, i/b GS Hegde & Associates, for the Appellants.
Mr Ashok Tajane, for Respondents Nos. 1 to 4/Applicant.

CORAM: G.S. PATEL, J
DATED: 23rd June 2017

PC:-

1. The amount deposited is Rs. 11,79,963/-. This is an application for withdrawal by the original claimants. The claim arose out of a fatal accident. This was a collision between motorcycle driven by Pandurang Kashinath Melge and a State Transport bus. Melge's wife, Ratan, and their grand-daughter were riding pillion. One Prabhakar Raghunath Ambure and Mrs Rekha Prabhakar Ambure were following the motorcycle. Near village Tungal, a State Transport bus No MH-12-FA-1276 collided with Melge's motorcycle. Pandurang and Ratan were injured. Pandurang succumbed to these injuries on 14th January 2001.

2. The claim filed was for Rs.12,91,000/-. It was decided against Ratan Melge. She filed a First Appeal. By an order of this Court, the initial claim under Section 163-A of the Motor Vehicles Act, 1988 was converted to one under Section 166 and the Claim Application was returned. Finally the Claim Application was partly allowed in the amount of Rs. 6,76,200/-. This appeal is now by the Maharashtra State Transport Authority. There is a separate First Appeal by the Claimants seek enhancement.

3. It is in these circumstances that the present Civil Application for withdrawal comes to be made.

4. The Civil Application states that the 1st Applicant, Melge's widow, has three children, two daughters and a son. It is difficult for her to manage and get by. Melge was the sole earner in the family. Having regard to the circumstances, I am inclined to make an order allowing the Applicants to withdraw an amount of Rs. 7,50,000/-. This is just over the amount awarded by the Tribunal with a modest increase. That amount may be withdrawn without security.

5. The Civil Application is disposed of in these terms with no order as to costs.

6. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)