

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

**CIVIL APPLICATION NO. 3488 of 2018
IN
FIRST APPEAL No. 2830 of 2017**

Manmathappa Baslingappa Aurade and others ...**APPLICANTS**

VERSUS

VC and MD APSRTC, Hyderabad and another ...**RESPONDENTS**

Mr S.V. Mundhe, Advocate for applicants.

Mr A.B. Dhongade, Advocate for respondent No.1

CORAM : SUNIL P. DESHMUKH, J.

DATE : 6th April 2018

ORDER :

Heard learned Counsel for the parties

2. This is an application filed for withdrawal of amount.
3. Learned Counsel for applicants submits that on 13th May 2013 while Nagamma had been proceeding towards Udgir from village Dapka on a motorcycle, forceful dash was given by APSRTC bus to the motorcycle because of which Nagamma died on the spot. The deceased had been earning member in the family and claimants are dependents. Due to the accident, the family has been deprived of her earning. The family needs amount of compensation for medical treatment of applicant No.1 and educational expenses of applicants No.2 and 3.

4. Learned Counsel for respondent No.1, however, submits that compensation granted is on steeper side and the evidence produced is not sufficient to support the quantum of compensation granted by the Tribunal. He, therefore, purports to resist the application relating to the applicant No.2.

5. The accident had occurred in 2013 and since then, applicants have not received any amount though there has been compensation granted by the Court to the tune of Rs. 19,39,000/- alongwith interest thereon. An amount of Rs. 25,21,060/- is deposited by respondent No.1. In the circumstances, it would be expedient to allow applicants to withdraw half of the amount deposited in this Court alongwith accrued interest. The apportionment of the amount being withdrawn shall be in the same proportion as has been granted by the Tribunal and shall be given treatment in accordance with the award of the Tribunal. In the circumstances, the amount withdrawn be distributed among applicants in equal proportion.

6. As such, applicants are allowed to withdraw half of the amount deposited in this Court alongwith accrued interest, on furnishing an undertaking to the effect that in case decision in appeal goes against their interest, they would pay back/re-

deposit the amount so withdrawn, within a period of three months from the date of such decision. Undertaking to be filed within a period of three weeks from today.

7. Amounts apportioned in favour of applicants No.2 and 3, each, from half of the amount allowed to be withdrawn, be invested in fixed deposits in any nationalized bank earning interest and the applicants shall furnish copies of fixed deposit receipts to this Court.

8. Civil Application is allowed accordingly and is disposed of.

**(SUNIL P. DESHMUKH)
JUDGE.**

Madkar