

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

**CIVIL APPLICATION NO. 2691 OF 2018
IN
FIRST APPEAL NO. 46 OF 2017**

Smt.Kiran Nain Singh Rathod & Ors. ... Applicants

In the matter between

Maharashtra State Road Transport
Corporation Limited, Mumbai

... Appellant

V/s.

Smt.Kiran Nain Singh Rathod & Ors.

... Respondents

- Mr.Yashodeep P. Deshmukh for the Appellant.
- Mr.Vishwambhar M. Parkar for the Applicants/Respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 26th SEPTEMBER, 2018.

P.C. :

1] This is an application filed by the Applicants-Claimants for withdrawal of the amount of compensation deposited in the Court.

2] Considering the necessity of the Applicants-Claimants, the Application needs to be allowed. However, having regard to the fact the Appeal preferred by the Insurance Company is not only on the ground of quantum of compensation but also on the ground of contributory negligence, the Applicants-Claimants are permitted to

withdraw 50% of the amount of compensation, subject to furnishing of usual undertaking that, in case the decision of the Appeal goes against them, they will refund the entire amount with interest at the bank rate.

3] The Civil Application is disposed off in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]