

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

**1024 CIVIL APPLICATION NO.6797 OF 2019
IN FA/534/2018**

**RUKMIN PANDURANG SHINDE AND ORS
VERSUS
THE DIVISIONAL CONTROLLER, M.S.R.T.C, OSMANABAD AND ANR**

...
Advocate for Applicants : Mr. Kolpe Mahendra B.
Advocate for Respondent No.1 : Mr. A.B. Dhongade
Advocate for Respondent No.2 : Mr. N.G. Talekar & P.A. Bharat
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 2nd AUGUST, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount which has been deposited by respondent No.1. Amount of Rs.53,91,180/- has been deposited. The learned Advocate appearing for respondent No.1 has strong objection to allow the applicants to withdraw the amount on the ground that the learned tribunal did not consider the contributory negligence on the part of the deceased, so also the quantum has been awarded at a much higher rate.

2. Taking into consideration the fact that a competent Court at this stage had come to a conclusion and then awarded the compensation, definitely ground is made for partial withdrawal of

the amount. Taking into consideration the fact that applicant Nos.5 and 6 are minors, they are not allowed to withdraw any amount from the amount that has been deposited. Applicant No.1 being a widow of the deceased is allowed to withdraw amount of Rs.5,00,000/-. Applicant Nos.7 and 8 being the parents of the deceased are allowed to withdraw amount of Rs.1,50,000/- each and applicant Nos.2, 3 and 4 are allowed to withdraw amount of Rs.1,00,000/- each subject to giving an undertaking within a period of eight weeks that they would make the said amount good, if directed at the time of final disposal of the appeal.

3. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/