

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

93 CIVIL APPLICATION NO.12186 OF 2019  
IN FA/116/2019 WITH CA/664/2019 IN FA/116/2019

HASINA MOHAMED MOMIN AND ORS  
VERSUS  
G.S.R.T.C. AHMEDABAD THR DIV. CONTROLLER, GUJARAT STATE

...  
Advocate for Applicants : Mr. Shaikh Majit S.  
Advocate for Respondents : Mr. M. K. Goyanka

...

**CORAM : MANGESH S. PATIL, J.**  
**DATE : 15.11.2019**

**PC. :-**

This is an application by the original claimant for withdrawal of the amount deposited by the respondent pursuant to the order passed by the Tribunal.

2. The learned advocate for the respondent submits that since the deceased was driving one of the two vehicles involved in the accident there is dispute as regards contributory negligence. He further points out that in stead of deducting 1/3rd towards personal expenses the Tribunal has deducted only 1/4<sup>th</sup> and therefore the entire amount of compensation may not be allowed to be withdrawn.

3. Considering the aforementioned facts and circumstances the applicants are allowed to withdraw 75% of the amount deposited by the respondent in this Court subject to furnishing usual undertaking. The same be disbursed strictly in accordance with the directions in the award. Civil Application is disposed of.

**[MANGESH S. PATIL, J.]**