

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

**1021 CIVIL APPLICATION NO.10836 OF 2019
IN FA/3079/2019
WITH CA/10833/2019 IN FA/3075/2019**

**MANORAMA SHIVAJI SALUNKE AND ORS
VERSUS
THE K.S.R.T.C. BANGLORE THR DIV. CONTROLLER, NEKSRTC, GULBARGA
AND ANR**

...
Advocate for Applicants : Mr. Yenegure Apparao
Advocate for Respondent No.1 : Mr. V.D. Gunale
Advocate for Respondent No.2 : Mr. A.B. Dhongade
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 27th SEPTEMBER, 2019.

ORDER :

. Present applications have been filed by the original claimants for withdrawal of amount. In view of order passed by this Court, the original appellant-KSRTC has deposited the amount which according to the appellant is to the extent of their share.

2. Learned Advocate appearing for the appellant submits that the appeal has been filed challenging the liability that has been imposed by the tribunal by holding the bus driver of the appellant negligent and then making appellant liable jointly and severally with the bus, which was

belonging to original respondent No.2. It was the contention of the appellant before the tribunal that the driver of the appellant was not at all negligent.

3. At this stage, a competent Court has decided the point of negligence and then held original respondent Nos.1 and 2 liable to pay compensation jointly and severally.

4. It is pointed out by learned Advocate appearing for the claimants that the apportionment has not been made by the learned tribunal.

5. Whether one of the respondent to the original petition can be made liable to pay the compensation and then the other respondent would be allowed to recover it from the other, would be decided at the time of final hearing. It appears that as per the contention and calculation, the appellant has deposited the amount, therefore, at this stage, case is made out for partial withdrawal of the amount which has been deposited in this court. Hence, the claimants who are major are allowed to withdraw the amount, which is 25% of the amount deposited in this Court in respective matters subject to filing 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.

6. Civil Applications stand disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM