

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

**904 CIVIL APPLICATION NO.13058 OF 2019
IN FA/1942/2019**

**SAVITA SACHIN GHARAT AND ORS
VERSUS
DIV. CONTROLLER, K.R.T.C., GULBARGA**

...

**Advocate for Applicants : Shirsat Suhas R.
Adv.Kodale h/f V. D. Gunale For Respondent**

...

**CORAM : MANGESH S. PATIL, J.
DATE : 22.11.2019**

PC. :-

Heard both the sides. The original claimants are seeking withdrawal of the compensation deposited by the Karnataka Road Transport Corporation which has preferred appeal against the award of the Motor Accident Claims Tribunal.

2] The learned advocate for the Corporation submits that the Tribunal has grossly erred in holding the driver of the bus to be responsible for causing the accident when there was no direct and sufficient evidence. He further submits that if the Tribunal has erred in assessing the compensation the figures taken into account are exorbitant as far as income of the deceased is concerned and at the most only 50% of the amount may be allowed to be withdrawn.

3] Since the applicants/claimants nos.2 and 3 are still minor, nothing can be allowed to be withdrawn to their extent. So far as the applicants nos.1,4 and 5 who are the widow and parents of the deceased, taking into account the facts and circumstances of the case, they deserve to be allowed to withdraw 75% of the amount of compensation strictly in accordance with apportionment and direction in the impugned award. The applicants shall submit usual undertaking.

4] The application is accordingly disposed of.

[MANGESH S. PATIL, J.]

umg/