

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

**CIVIL APPLICATION NO.12098 OF 2019
IN FA/3077/2019
WITH CA/12099/2019 IN FA/3076/2019**

**KALPANA SHRIRAM APSINGEKAR
VERSUS
THE K.S.R.T.C. BANGLORE THR DIV. CONTROLLER, NEKSRTC, GULBARGA
AND ANR**

...
Advocate for Applicant : Mr. S.A. Kulkarni
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 :

. Learned Advocate Mr. S.A. Kulkarni submits that he is also filing civil applications for withdrawal of the amount which is in respect of original claimants.

2 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.

3. 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.

4. 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.

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

6. 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 are allowed to withdraw 50% 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 appeals.

7. Civil Applications stand disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM