

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

**25 CIVIL APPLICATION NO.12669 OF 2019  
IN FA/2608/2019**

**ASHATAI HANUMANTRAO BOBDE AND ORS  
VERSUS  
M.S.R.T.C., THR DIV. CONTROLLER, PARBHANI DIV. PARBHANI**

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Advocate for Applicants : Mr. A.A. Khande h/f Mr. Kale Mahesh P.  
Advocate for Respondent : Mr. Goyanka M.K.

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

**DATE : 14.11.2019**

**PER COURT :**

Heard both the sides. The applicants who are the original claimants are seeking withdrawal of the amount of compensation deposited by the respondent corporation who has been directed to pay a total compensation of Rs.32,20,000/- together with interest @ 9% per annum from the date of the petition. Accordingly the corporation has deposited an amount of Rs.43,56,949/- in this Court.

2. The learned advocate for the respondent corporation strongly opposes the application. He submits that the sons of the deceased are all major. Even the second wife has been made a claimant. Consequently the tribunal has grossly erred in not deducting 50% of the income which the deceased would have spent for himself

since there would be only one widow who can be said to be dependent, all the sons being major. The learned advocate further points out that it was a case of head on collision between the two vehicles but the liability is saddled only on the bus of the respondent corporation. Therefore, the applicants may not be allowed to withdraw the entire amount of compensation.

3. I have carefully considered the impugned judgment and order and the papers. It is indeed apparent that all the sons of the deceased are major and cannot be regarded as his dependents. Similarly both the widows of the deceased are claiming to be dependent and only one of them would and can be considered as legally dependent on him. However, there are income tax returns which clearly demonstrate the income of the deceased.

4. Considering all these aspects in my considered view the applicants deserve to be paid 50% of the amount of the compensation subject to furnishing an undertaking in usual terms and 25% of the amount by furnishing solvent security.

5. The application is accordingly allowed. The applicants are allowed to withdraw 75% of the amount deposited in this court in the proportion directed by the tribunal, 50% of the amount shall be paid to them by furnishing an undertaking that they would redeposit the

amount in case directed by this Court and 25% amount shall be paid on their furnishing a solvent security to that extent.

**(MANGESH S. PATIL, J.)**

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