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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.344 OF 2019
IN
FIRST APPEAL NO.836 OF 2009.**

Shankar Pandurang Patil and ors ... Applicants.
V/s.

Maharashtra State Road Transport Corporation ... Respondents

Mr. Bhushan A. Walimbe i/by Pretti Walimbe, for the applicants.

Mr. C.M. Lokesh i/by G.S.Hegde Associates, for respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 31st JANUARY, 2019.

P.C. :

1] This application is for withdrawal of the entire amount of compensation as deposited by the respondent in the Court. Applicants are the original claimants and legal heirs of the deceased, who was travelling in the jeep.

2] Learned counsel for respondent opposed this application, on the ground that it was a case of contributory negligence of two drivers, that is of S.T. bus and the jeep. Therefore, entire amount should not be allowed to be withdrawn.

3] In view thereof, applicants are permitted to withdraw 75%

of the amount deposited in the Court, alongwith accrued interest thereon, subject to filing of the undertaking.

4] Application is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]