

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

**CIVIL APPLICATION NO.3063 OF 2019
IN
FIRST APPEAL NO.696 OF 2018**

Maruti Tukaram Achare and ors. ...Applicants

In the matter between

TMT Transport ...Appellant

Versus

Mr. Maruti Tukaram Achare and Ors. ...Respondents

.....

Mr. Niketan Nakhawa for the Applicants and for the Respondents in FA/696 of 2018.

Mr. N.R. Bubna for the Respondents and for the Appellant in FA/696/2018.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 9th SEPTEMBER, 2019.

P.C.:-

The Applicants herein, who are the original claimants in Claim Petition No.360 of 2017 have sought withdrawal of compensation awarded by the Claims Tribunal, Thane, vide judgment and award dated 3rd April, 2018. By the impugned judgment the Claims Tribunal has awarded compensation of Rs.7,86,000/- with interest @ 8% per annum from the date of the petition till its realisation.

2. The Applicants are the parents and sisters of the deceased- Vinayak Achre, who expired in a motor vehicular accident involving TMT Bys bearing No.MH-04-G-8217. The deceased was a 19 years old engineering student. The Tribunal has recorded a finding that the accident was caused due to rash and negligent driving by the driver of the bus. The Tribunal has assessed loss of dependency as Rs.7,56,000/- and has awarded Rs.30,000/- on two other conventional heads viz. loss of love and affection and funeral expenses.

3. The Applicants/original claimants have stated that they have incurred considerable expenses and are in need of money for marriage expenses of unmarried sisters of the deceased. Considering the reasons stated in the application as well as grounds raised in the appeal memo, an amount of Rs.2,00,000/- with proportionate interest thereon is ordered to be paid to the Applicants/original Claimants. Suffice it to say that the withdrawal is subject to final outcome of the appeal. The Applicants to give undertaking to the Claims Tribunal, Thane that they will refund the amount with interest in the event the Appellant succeeds in the appeal. Tribunal to re-invest the balance amount of compensation in any Nationalised Bank until further orders.

4. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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