

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2258 OF 2019
IN
FIRST APPEAL (ST) NO.18015 OF 2018

Anita Gurudas Kamath & Ors. .. Applicants

In the matter between

Maharashtra State Road Transport Corporation .. Appellant

Vs

Anita Gurudas Kamath & Ors. .. Respondents

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- Mr. Yogesh Pande for the Applicants
 - Mr. C.M. Lokesh i/by Gopal Hegde for the Respondents
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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : JUNE 28, 2019.

P.C.:

1. The applicants - original respondents have made the above application seeking permission to withdraw the amount deposited by the appellant - Maharashtra State Road Transport Corporation ("MSRTC" for short) with the Motor Accident Claims Tribunal, Pune pursuant to the order passed by this Court dated 11.7.2018.

2. The husband of applicant No. 1 and father of Applicant Nos.2 and 3 died in a road accident on 20.6.2015. The Motor Accident Claims Tribunal, Pune by its Judgment and Award

ordered and directed MSRTC to pay to the Applicant No.1 and her two daughters compensation of Rs. 2,09,79,350/- with 9% interest from the date of the petition seeking compensation till realization of the entire amount. An appeal is preferred by the MSRTC against the said Judgment and Award dated 19.9.2018.

3. We have perused the order dated 11.7.2018 passed by this Court (Coram : K.K. Tated & B.P. Colabawalla, JJ) in Civil Application No.2342 of 2018 in First Appeal (St) No.18015 of 2018 wherein they have inter alia allowed Applicant No.1 and her daughter who has attained majority (Applicant No.2) to withdraw 15% each of the entire amount deposited by the MSRTC without furnishing any surety. The present application is made for further withdrawal on the ground that Applicant No.2 is pursuing MBA and Applicant No.3 has sought admission in an International School and the fees of the said school is approximately Rs. 10 Lacs per annum.

4. Admittedly, an amount of Rs. 78 Lacs is already withdrawn by the Applicant Nos.1 and 2 pursuant to the

order dated 11.7.2018. We are not inclined to allow further withdrawals at this stage. However, the interest accrued on the balance amount deposited by the MSRTC with the Motor Accident Claim Tribunal, Pune shall be handed over to the Applicant Nos.1 and 2 and her children every quarter.

5. In view of the above, Civil Application is disposed of.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]