

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 CIVIL APPLICATION NO.14573 OF 2019 IN
FIRST APPEAL (STAMP) NO.15706 OF 2019

VARSHA S/O TUKARAM MORE
VERSUS
THE MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION (M.S.R.T.C.)

...

Mr.D.R. Jayabhar, Advocate for applicant.
Mr.B.S. Deshmukh, Advocate for respondent.

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CORAM: V.L. ACHLIYA,J.
DATE : 04.09.2020

ORAL ORDER:

The applicant-claimant has moved this application seeking withdrawal of amount of Rs.6,30,242/- deposited by the respondent.

2. Heard learned counsel for the applicant-claimant and Advocate representing the appellant. Perused the judgment and award passed by the Trial Court.

3. In brief it is the contention of the learned counsel for the appellant that the appellant is not liable to pay any compensation as there was no impact between the S.T. Bus and motorcycle on which the husband of applicant and applicant were

proceeded. The accident was solely occurred due to fault on the part of husband of applicant, who was driving the motorcycle in gross violation of rules and regulations of the traffic.

4. It is submitted that the husband of the applicant, who was riding the motorcycle came from wrong side and seen the Jeep coming from the opposite side, baffled and dashed against road divider, which resulted into causing death of deceased. It is further submitted that the compensation awarded is too much excessive and unsustainable in law.

5. Mr. Jayabhar learned counsel for the applicant submits that the appeal filed is devoid of merits. The Tribunal has duly assessed the evidence while dealing with the similar contentions raised before it. It is submitted that the panchanama and sketch nowhere depicts the position to support the case of appellant.

6. On due consideration of submissions advanced, I am of view, passing of following order would meet the ends of justice :-

ORDER

(i) The applicant is permitted to withdraw the amount to the extent of 50% of the amount deposited by the appellant on furnishing written undertaking to the effect that in case the award is set aside or modified, the applicant shall redeposit the amount within eight weeks from the date of order.

(ii) After making payment to the extent of 50% of amount deposited, the remaining amount be invested in fixed deposit with any Nationalized Bank initially for a period of three years with standing instructions to renew the same till further orders from the Court or disposal of appeal whichever earlier.

(iii) The payment of amount shall be subject to outcome of the appeal.

(iv) Amount permitted to be withdrawn be paid to applicant-claimant by transferring the amount in her Savings Bank Account.

(v) Civil Application is disposed of in
above terms.

[V.L. ACHLIYA]
JUDGE

SGA