

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3772 OF 2021 IN
FIRST APPEAL NO.148 OF 2021

Smt. Anjana w/o Ramesh Rathod
and others

... APPLICANTS

VERSUS

Maharashtra State Road Transport
Corporation

... RESPONDENT

.....
Shri P.C. Mayure, Advocate for applicant
Shri A.B. Dhongade, Advocate for respondent
.....

CORAM : R. G. AVACHAT, J.

DATE : 11th JUNE, 2021

PER COURT :

The applicants hereby seek withdrawal of the amount of compensation deposited by the respondent before the Executing Court pursuant to the order dated 15/2/2021.

2. Heard Mr. Mayure, learned counsel for the applicants and Mr. Dhongade, learned counsel for respondent. Perused the application and the impugned award. The

applicants are the Class-I heirs of the deceased Ramesh. The spot panchanama was admitted by the bus driver. The panchanama indicates that the carriage width of the road was narrow. The offending S.T. bus left the tar road. The incident took place on Kaccha Road. The learned Presiding Officer of the Tribunal appears to have appreciated the evidence in right perspective.

3. The deceased was working as a Labour. He owned some agricultural land. The claimants are more in number. On appreciation of the evidence, the Tribunal awarded compensation of Rs.13,60,000/- with 7% interest therein.

4. After going through the impugned award, and considering the submissions made by learned counsel for the respondent MSRTC, it is desirable to allow the applicants to withdraw 75 of the amount deposited. The application is thus partly allowed. The applicants are permitted to withdraw 75% of the amount of award in terms of the award passed by the Tribunal, on furnishing undertaking. The apportionment of withdrawal of the amount shall be in terms of the impugned award. The share of amount of minors applicants No.2, 3 and

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4 shall be kept in a fixed deposit till the minors attain majority.

**(R. G. AVACHAT)
JUDGE**

fmp/-