

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 CIVIL APPLICATION NO.3137 OF 2021
IN FA/2271/2020

ZAMBIRIBAI MANSHYA BAGUL AND ORS

VERSUS

GUJARAT STATE ROAD TRANSPORT CORPORATION, THR DIV.
CONTROLLER, SURAT, GUJRAT

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Mr. P.C. Mayure, Advocate for applicants

Mr. M.K. Goyanka, Advocate for the sole respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15th JUNE, 2021.

PER COURT :

1 Present application has been filed for withdrawal of the amount.
Amount of Rs.3,49,865/- has been deposited in this Court by appellant-Gujrat
State Road Transport Corporation on 13.10.2020

2 Heard learned Advocates of both sides.

3 Learned Advocate for the present respondent-original appellant
has strong objection for the withdrawal of the amount.

4 The petition that was filed was under Section 163-A of the Motor

Vehicles Act, 1988. Amount that has been deposited is Rs.3,49,865/- apart from the statutory amount. Taking into consideration the purpose, under which the application under Section 163-A of M.V. Act was preferred, would be frustrated if the amount is not allowed to be withdrawn, though the defence that has been taken is that the police papers would show the total negligence on the part of the deceased and in order to avoid the point of negligence the application came to be filed under Section 163-A of the M.V. Act. Taking into consideration the said aspect even by keeping some amount with the Court the applicants can be allowed to withdraw partial amount. Applicants are allowed to withdraw amount of Rs.1,00,000/- each.

5 Applicants shall file an undertaking within a period of eight weeks that they would make the said amount good, if directed, at the time of final disposal of the appeal.

6 Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)