

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.11520 OF 2021 IN
FIRST APPEAL NO.690 OF 2021

Smt. Yashoda w/o Pandurang Patil
and others

... APPLICANTS

VERSUS

Gokul s/o Tanaji Bhavar
and others

... RESPONDENTS

.....
Ms Savita P. Kakade, Advocate for applicants
Mr. M.R. Deshmukh, Advocate for respondent No.3.
.....

CORAM : R. G. AVACHAT, J.

DATE : 21st OCTOBER, 2021

PER COURT :

Heard. Perused the impugned award. The cause of death has been questioned. It has also been submitted that, except the deceased, none of the passengers in the ill-fated bus did receive any injury. The post mortem report gives cause of death as "aspiration of food material and fluid".

2. The fact is, however, that, the deceased died in the bus itself soon after it met with the accident. It may be a case of composite negligence of drivers of both the vehicles involved in the accident. The said issue needs to be gone into

in this appeal. The deceased was a third party. In the fitness of things, the applicants are permitted to withdraw 60% of the amount deposited as against undertaking to be submitted to the satisfaction of the Registrar (Judicial) of this Court. Civil Application stands disposed of.

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

fmp/-