

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.13749 OF 2021 WITH
FIRST APPEAL NO.1081 OF 2021**

Rukhiya Bi w/o Shaikh Yousuf & anr. ... **APPLICANTS**

VERSUS

The Divisional Controller, Maharashtra
State Road Transport Corporation ... **RESPONDENT**

.....
Mr. G.R. Ingole, Advocate for applicants
Mr. A.D. Wange, Advocate for respondent
.....

CORAM : R. G. AVACHAT, J.

DATE : 20th DECEMBER, 2021

PER COURT :

Heard. Call for record and proceedings
immediately.

2. The appeal shall be heard finally on the next date,
since the learned counsel for the parties agree to work out the
same.

3. Print is dispensed with.

4. Learned counsel for the MSRTC would submit that,

the deceased rammed into a moving S.T. bus from behind, and hence, it is a case of either exclusive negligence on his part or a case of contributory negligence. In the fitness of things, the applicants are permitted to withdraw 60% of the amount under the impugned award along with interest accrued thereon on furnishing usual undertaking.

5. Civil application No.13749/2021 stands disposed of.

(R. G. AVACHAT)
JUDGE

fmp/-