

Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1021 OF 2021
IN
FIRST APPEAL (ST.) NO. 31800 OF 2019**

Damini Mahendra Patale (Patel) & Ors.	.. Applicants
In the matter between	
Divisional Controller, Maharashtra State Road Transport Corporation, Nashik Division	.. Appellant
Vs.	
Damini Mahendra Patale (Patel) & Ors.	.. Respondents

.....
Mr. Pritesh K. Bohade for the applicants
Mr. Rahul More for the appellant – MSRTC

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 9th APRIL, 2021
(Through Video Conferencing)

P.C.

1. Mr. Bohade, learned Counsel for the applicants – claimants has moved this application seeking withdrawal of the compensation by stating that the widow and rest of the claimants, who are all minor children of the deceased, do not have any independent source of income. Due to untimely demise of the deceased, their lives have been disturbed as the deceased was the only pillar of the family.

2. Mr. More, however, objects withdrawal of the amount of compensation by stating that the appeal can be heard finally.

3. Having considered the submissions, at this stage, the applicants are permitted to withdraw 50% of the amount of compensation with accrued interest. The applicant no.1 shall furnish an undertaking within two weeks that if the appellant - insurer succeeds in appeal, the applicants shall refund the amount with interest at such rate as would be directed by this Court, depending upon the outcome of the first appeal.

4. If the applicants do not file an undertaking within the aforesaid period, the amount deposited by the appellant - insurer shall be invested by the M.A.C.T in a fixed deposit in any Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.

5. If 50% amount is withdrawn by the applicants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

6. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)