

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**Interim Application No. 1053 / 2021
in
First Appeal Stamp No. 22127 / 2019**

Gangubai Fakira Mali and Ors. .. Applicants

Vs.

The Maharashtra State Road Transport
Corporation Through Its. Divisional Manager .. Respondent

Mr. Pritesh K. Bohade, Advocate for the Applicants.
Mr. Nitesh Bhutekar, Advocate for Respondent (Original Applicant).

**CORAM : SANDEEP K. SHINDE J.
DATE : 23rd APRIL, 2021.
(Through Video Conference)**

P.C. : -

Heard.

1. Feeling aggrieved by the judgment and award dated 2nd March, 2019 passed by the Motor Accident Claims Tribunal, Nashik in MACP

No. 928/2017 inter-alia awarding a compensation of Rs. 9,12,000/- with interest at the rate of 9% per annum, the Maharashtra State Road Transport Corporation (MSRTC) has preferred the First Appeal.

2. Original Claimants i.e. Widow, her two minor children and mother of deceased, are seeking leave to withdraw the amount of compensation, deposited by the MSRTC in the M.A.C.T., Nashik. The application is vehemently opposed by the Counsel for the MSRTC.

3. Deceased was in the employment of MSRTC. He died in vehicular accident in June, 2017. As it appears, the Applicant No.1 has no independent source of income to look after her two minor children and aged mother-in-law.

4. The appeal preferred by MSRTC alongwith an application for condonation of delay is pending for consideration before this Court and obviously is not likely to be heard finally in the near future.

5. In consideration of the facts of the case, the financial

constraints of the Applicants and their age, the request by them for withdrawing the amount of compensation is reasonable. As such, the Applicant No.1 Gangubai Fakira Mali, is permitted to withdraw the sum of Rs. 2 Lacs and Thakubai Baburao Mali (mother of deceased) is permitted to withdraw Rs. 50,000/-.

6. Gangubai Fakira Mali and Thakubai Baburao Mali, shall file an Undertaking that in the event, the appeal is allowed, they shall bring back the amount of compensation withdrawn by them with interest at the rate of 4 % per annum.

7. On a formal application being preferred by Gangubai Fakira Mali and Thakubai Baburao Mali, Member of MACT, shall process and pass the appropriate order.

8. The Civil Application is allowed in the aforesaid terms and disposed of accordingly.

(SANDEEP K. SHINDE, J.)