

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

963 CIVIL APPLICATION NO.5531 OF 2022
IN FIRST APPEAL NO.119 OF 2022

VIJAY KHANDU SONAWANE & ANOTHER
VERSUS
M.S.R.T.C., THROUGH ITS DIVISIONAL CONTROLLER,
MSRTC, JALGAON

...
Advocate for Applicants : Mr.M.M.Bhokarika
Advocate for Respondent : Mr.S.S.Rathi
...

CORAM : S.G.DIGE, J.
DATE : 30.08.2022

P.C. :

1] Heard the learned counsel for the applicants
and the learned counsel for the respondent.

2] The learned counsel for the applicants submits
that the respondent has challenged the impugned judgment
and award of Motor Accident Claims Tribunal, Jalgaon on
various grounds and has deposited the entire award amount
before this Court. The deceased was son of the applicants.
He was earning member of the family of the applicants. The
applicants are facing difficulty after death of the deceased.

They need amount for their daily expenses, hence, requested to allow the present application.

3] The learned counsel for the respondent submits that accident was occurred due to sole negligence of the deceased. There was head on collision between the motorcycle of the deceased and the offending S.T. bus. The spot panchnama shows that the accident was occurred due to negligence of the deceased but this fact was not considered by the Tribunal. If the applicants are permitted to withdraw the amount and the respondent succeeds in the appeal then it would be difficult for the respondents to recover the amount, hence, requested to dismiss the application.

4] I have heard both learned counsel. The son of the applicants is died in the accident. He was earning member of the family of the applicants. The applicants need amount for their daily expenses, hence, I pass the following order :-

ORDER

- i] The application is allowed.

- ii] The applicants are permitted to withdraw 50% amount along with accrued interest thereon out of the deposited amount by the respondent on furnishing undertaking.

- iii] Civil Application is disposed of accordingly.

**[S.G.DIGE]
JUDGE**

DDC