

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

**932 CIVIL APPLICATION NO.15123 OF 2022
IN FAST/40718/2019**

**TUKARAM SHRAVAN TARFE AND OTHERS
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CO., THROUGH
DIVISIONAL CONTROLLER, MSRTC, NANDED, DIV. NANDED**

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Mr. Ashutosh Kulkarni, Advocate for the applicants.
Mr. M.K. Goyanka, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 16.11.2022.

ORDER :

1. Heard rival submissions. The applications, who are the original claimants, are seeking permission to withdraw the entire amount of compensation deposited by respondent - MSRTC in this Court. The learned Counsel for respondent MSRTC strongly opposed the application on the ground that there was negligence of motorcycle rider as it was head-on collision. He also pointed out that the learned Tribunal has wrongly deducted one-third amount from the income of deceased being personal expenses, instead of one-half.

2. However, at this juncture 50% of the compensation amount can be allowed to be withdrawn, considering the ground of defence that there was head-on collision. As such,

the applicants are permitted to withdraw 50% of the compensation amount alongwith interest accrued thereon till date and the said amount be distributed equally among the applicants and the share falling to the applicant No.3 be kept in F.D.R. in any Nationalized Bank till she attains majority. Till then, the applicant Nos.1 and 2 being the parents, are entitled to withdraw the periodical interest thereon which is to be used for the benefits of applicant No.3.

3. The balance amount of compensation be invested in F.D.R. in any Nationalized Bank till disposal of this appeal.

4. The application is accordingly disposed of

(SANDIPKUMAR C. MORE, J.)