

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

913 CIVIL APPLICATION NO.13996 OF 2021
IN FAST/4072/2020

PARMESHWAR BAPU SAGAT AND ORS
VERSUS
M.S.R.T.C., THR THE DIV. CONTROLLER, M.S.R.T.C., OSMANABAD

Mr M.B. Kolpe, Advocate for applicants
Mr A.B. Dhongade, Advocate for respondent

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 31st March, 2022

PER COURT :

1. It is an application moved on behalf of applicants/original claimants for withdrawal of compensation amount.
2. Heard Mr M.B. Kolpe, learned Advocate for applicants and Mr A.B. Dhongade, learned Advocate for respondent/MSRTC.
3. It is pointed out by Mr Kolpe that applicant no.3 has changed his name in the gazette as Subhash Mahadeo Patil and accordingly, changes are made in the Aadhar Card. He seeks leave to place on record copy of Aadhar card. Leave granted. The copy of Aadhar card is taken on record and marked as "B" for identification. Registry to note.
4. It is revealed during course of argument that applicant no.2/Lata Subhash Patle is no more. Mr Dhongade, learned Advocate for respondent/MSRTC submits that permission may be granted to delete the name of original claimant/Lata Subhash Patole. Leave granted. Her legal heirs are already on record. As such, there is no need to bring on record her legal heirs. The appellant/MSRTC is permitted to delete name of applicant no.2 from the array of appeal memo and Civil Applications for condonation of delay and stay.

5. It is a death claim. Wife of applicant no.1 Priya met with motor vehicle accident and succumbed to injuries. The tribunal was pleased to award compensation of Rs.14,70,000/- (inclusive of no fault liability) with interest @ 7% per annum from the date of claim petition till its realisation.

6. Having considered the submissions of both the sides and looking to the defence raised on behalf of M.S.R.T.C, I am convinced to allow the claimants to withdraw 50% of amount of compensation.

ORDER

The Civil Application is hereby allowed as under :

- (i) The applicants/original claimants are hereby permitted to withdraw 50% of amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this court.
- (ii) The remaining balance amount of compensation be kept in fixed deposit for a period of one year with renewal clause.
- (iii) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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