

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

INTERIM APPLICATION NO.2065 OF 2022
IN
FIRST APPEAL (ST) NO. 16499 OF 2021

The Maharashtra State Road Transport
Corporation through its
Divisional Controller, Solapur ..Appellant/Applicant.

v/s.

Smt. Chhaya Balu Masal & Ors. ..Respondents

MS. Gargi Warunjikar i/b. Nitesh Bhutekar for the Appellant/Applicant.
Mr. Ramdas Shelke a/w. N.S.Metkari for the Respondent.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 10th OCTOBER, 2022.**

P.C.

1. The Respondents who are the original Claimants have sought withdrawal of the compensation deposited by the Appellant Insurance Company.
2. By the impugned judgment, the Claims Tribunal has awarded compensation of Rs.69,55,000/- with interest @ 6% per annum. The challenge is mainly to the issue of negligence as well as the quantum of compensation. Considering the reasons stated in the application and the grounds raised in the appeal, the Applicant-Original Claimant No.1 is permitted to withdraw 30% of the compensation with proportionate interest accrued therein. Compensation to the extent of 5% each with

proportionate interest accrued thereon be paid to the Respondent Nos.3, and 4- Original Claimant Nos.3 and 4. Respondent No.2-Original Claimant No.2 is a minor. Hence, at this stage, I am not inclined to allow any withdrawal on her behalf.

3. The Respondent-Claimants are put to notice that the withdrawal is subject to the final outcome of the appeal, and in the event the appellant succeeds, the Respondents shall be liable to repay the amount with interest.

4. Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)