

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

**936 CIVIL APPLICATION NO.1343 OF 2023
IN FA/557/2023**

**CHANGUNABAI NANA BHANGARE
VERSUS
THE MAHARASHTRA STATE ROAD TRANSPORT CORPORATION
THROUGH THE DIVISIONAL CONTROLLER**

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**Advocate for Applicant : Mr. Jayabhar Dattatraya R.
Advocate for Respondent : Mr.B. S. Deshmukh**

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 15.02.2023

PER COURT :

Heard rival submissions. The applicant -claimant is seeking withdrawal of entire amount of compensation along with the interest. The learned counsel for the respondent -MSRTC, who has filed the appeal strongly opposed the application on the ground that the applicant was neither the dependent upon the deceased nor she was legal heir of the deceased.

2. However, on perusal of judgment impugned, it appears that the learned Tribunal had in fact assessed the amount of total compensation around Rs. 39,00,000/- and the present applicant has been given only half of the same by considering that there is one step son of the deceased, who is also alive. The learned counsel for the

applicant pointed out that the said step son has also filed another claim petition.

2. Further, the learned counsel for the respondent -MSRTC also raised objection that the deceased had also contributed in the occurrence of accident. However, the record shows that the offending bus had given dash to the scooter of deceased from back side. As such, there is no aspect of contributory negligence.

3. Considering all these facts, the applicant is permitted to withdraw the entire amount of compensation along with the accrued interest thereon till date by furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-