

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

**930 CIVIL APPLICATION NO.2271 OF 2023
IN FA/1438/2022**

**ZUMBARABAI W/O RAJA SHINDE AND OTHERS
VERSUS
THE M.S.R.T.C., THROUGH DIVISIONAL CONTROLLER,
MSRTC, DIVISION OSMANABAD**

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Mr. Sushant B. Choudhari, Advocate the applicants.
Mr. A.M. Reddy, Advocate holding for Mr. B.S. Deshmukh,
Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 21.02.2023.

ORDER:-

1. Leave to correct name of applicant No.1 as Zumbarabai.

2. Heard rival submissions. The applicants are seeking permission to withdraw the entire compensation amount alongwith interest accrued thereon, as deposited by the respondent M.S.R.T.C. The learned Counsel for the M.S.R.T.C. strongly opposed the application on the ground that the learned Tribunal consider notional income of deceased to the higher side i.e. Rs. 6,000/- per month. However, considering the fact that deceased was tailor by profession, the aforesaid notional income appears reasonable. Further, there

are no doubtful circumstances on record as regards the accident in question. In view of the same, the applicant No.1, 3 and 4 are permitted to withdraw their shares of compensation as apportioned by the learned Tribunal alongwith the interest by furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court. The amount of compensation falling to the share of minor applicant No.2 Krushna be invested in F.D.R. in any Nationalized Bank on yearly renewal basis till he attains majority. After attaining majority, he will be at liberty to file withdrawal application to the extent of his share.

3. The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)