

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2268 OF 2023
IN FIRST APPEAL NO. 4226 OF 2017

DURGA BANDU UNHALE AND OTHERS
VERSUS
THE M.S.R.T.C THR DIVISIONAL CONTROLLER BEED AND
ANOTHER

...
Mr. S.B. Choudhari – Advocate for Applicants
Mr. S.R. Bagal – Advocate for Respondent Nos.1 and 2
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 10th April, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant Nos.1 and 2 are seeking withdrawal of entire amounts of compensation falling to their respective shares as determined by the learned Tribunal alongwith the interest accrued thereon.
3. The learned counsel for respondent nos.1 – M.S.R.T.C., strongly opposed the application on the ground that, the S.T. Bus driver was not at all at fault and the driver of TATA Magic

was solely responsible for the occurrence of the accident since, the offence in respect of accident was registered against himself only. He also relied on the Spot Panchanama wherein the bus was found on extreme left side whereas the TATA Magic was found on wrong side.

4. However, this Court long back had already permitted applicant no.6 i.e. father-in-law of deceased to withdraw entire amount of his share and at that time, the other respondents were minor. It appears that, the applicant nos.1 and 2 who are the daughters of deceased have attained majority and considering the earlier order of withdrawal and their marriageable ages, the amounts falling to their shares can be allowed to be withdrawn by them.

5. In view of the same, the applicant nos.1 and 2 only are permitted to withdraw their respective shares of compensation amount alongwith the interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. The remaining amount be kept in F.D.R. in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

7. The civil application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE

Pooja K.