

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3163 OF 2023
IN FIRST APPEAL NO. 620 OF 2023

SHIVANI AKASH KHANDEKAR AND OTHERS
VERSUS
MAHARASHTRA STATE ROAD TRANSPORTATION
CORPORATION NANEED THROUGH ITS DIVISIONAL
CONTROLLER GANGAKHED

...
Mr.P.S. Chavan h/f. Mr. P.S. Agrawal – Advocate for Applicants
Mr. A.B. Dhongade – Advocate for sole Respondent
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 14th March, 2023

PER COURT :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the appellant – M.S.R.T.C. alongwith the interest accrued thereon.
3. The learned counsel for the M.S.R.T.C. strongly opposed the application on the ground that there was contributory negligence of the deceased which has been ignored by the learned Tribunal.

4. However, the impugned judgment indicates that the learned Tribunal has given finding that there was no such contributory negligence and the bus driver was at fault. In view of the same and considering the compensation granted by the learned Tribunal, the applicants are permitted to withdraw 80% of the deposited amount of compensation alongwith the proportionate interest accrued thereon till date as per the apportionment done by the learned Tribunal on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE

Pooja K.