

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO.9494 OF 2023
IN FAST/4436/2023 WITH CA/1794/2023 IN FAST/4436/2023 WITH
CA/1795/2023 IN FAST/4436/2023

GANGAMANI SATYANARAYAN KOLSHETWAR AND ANR
VERSUS
DIVISIONAL CONTROLLER MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION

...
Advocate for Applicants : Mr. G. R. Ingole Patil
Advocate for Respondent : Mr. M. D. Shinde h/f Mr. M. K. Goyanka

...
CORAM : ARUN R. PEDNEKER, J.
DATE : 03/11/2023

PER COURT :

1. Heard the learned Advocate representing the respective parties.
2. The present appeal is filed on the ground that the deceased himself was under influence of liquor and so he himself is responsible for the accident and that the vehicle S.T.Bus is not responsible for the accident. He submits that the Tribunal has not gone into the aspect of the negligence on the part of the deceased and has not considered the evidence of the S.T.Bus driver in the proper perspective. So also the evidence adduced by the claimants itself that the deceased was under the influence of liquor.
3. However, the Tribunal has rendered a finding that the bus driver was negligent in driving.
4. In view of the same, I deem it appropriate to permit the applicant to withdraw Rs.4,00,000/- (four lakh) deposited in this Court

on usual undertaking to the satisfaction of the Registrar Judicial of this Court.

5. Upon such undertaking is produced, the Registrar (Judicial) to disburse the amount as directed above. The civil application for withdrawal is disposed of accordingly.

6. In delay condonation application, the application is filed for condonation of delay of 75 days caused in filing appeal. For the reasons stated in the application, the said application is allowed and disposed of.

7. In civil application filed for Stay, the learned Advocate for the applicant submits that the amount has been deposited in this Court as per the directions of this Court. In view of the same, the Stay order passed by this Court dated 10/02/2023, is confirmed. Applications filed for Stay stands disposed of.

8. The appeal is **admitted**.

9. After admission, the learned Advocate Mr. G. R. Ingole waives service of notice on behalf of respondents No.1 and 2.

(ARUN R. PEDNEKER, J.)

vj gawade/-.