

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

925 CIVIL APPLICATION NO. 5739 OF 2023
IN FIRST APPEAL NO. 811 OF 2023

BADRINATH CHATRUBHUJ PASHTE
VERSUS
DIVISIONAL MANAGER M.S.R.T.C. JALNA AND ANOTHER

...
Mr. A.J. Nagode – Advocate for Applicant
Mr. S.S. Rathi – Advocate for Respondent No.1
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 11th July, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire amount of compensation, which has been deposited by the Insurance Company alongwith the interest accrued thereon.
3. The learned Counsel for the Insurance Company strongly opposed the application on the ground that, the applicant – claimant himself was negligent at the time of accident since he was crossing the road by ignoring the offending vehicle while eating something.

4. In view of the same and considering the compensation granted by the learned Tribunal, the applicant is permitted to withdraw 50% of the deposited amount of compensation alongwith proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. The remaining amount be kept in F.D.R. 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