

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

13 CIVIL APPLICATION NO. 8728 OF 2023
IN X-OBJECTION (ST) NO. 7316 OF 2022
WITH CA/8730/2023 IN FA/579/2021
WITH CA/304/2022 IN FA/579/2021
WITH CA/306/2022 IN FA/579/2021

SHIVAJI SHANKAR THORAT AND OTHERS
VERSUS
THE MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION THROUGH THE DIVISIONAL CONTROLLER
AHMEDNAGAR

...
Mr. S.L. Bhapkar – Advocate for Applicants
Mr. B.S. Deshmukh – Advocate for Respondent

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 17th July, 2023

PER COURT :

CIVIL APPLICATION NO. 8728 OF 2023

1. Heard learned Counsel for the applicants.
2. The applicants are seeking recalling of order dated 24.04.2022 whereby registration of their Cross – Objections was refused for non-removal of office objections. There is also a huge delay for filing this application. The learned counsel for the applicants undertakes to remove all the office objections

within four weeks.

3. In view of the same, the order dated 26.04.2022 stands recalled and the Cross – Objections be restored for removal of office objections within four weeks subject to deposit of cost of Rs.1,000/- to be paid to the Office of Government Pleader High Court, Bombay, Bench at Aurangabad towards Library.

4. The civil application is disposed of accordingly.

CIVIL APPLICATION NO. 8730 OF 2023

5. Heard rival submissions.

6. The applicants are seeking withdrawal of balance amount of compensation, which has been deposited by the appellant – M.S.R.T.C. alongwith the interest accrued thereon. It is to be noted here that, the appellant – M.S.R.T.C. has deposited only 50% of the total compensation amount alongwith the proportionate interest as directed by this Court.

7. The learned Counsel for the M.S.R.T.C. strongly opposed the application on the ground that, the learned Tribunal has granted exorbitant amount of compensation and that the

applicant Nos.1 and 2 have already withdrawn 50% out of the deposited amount of compensation.

8. Admittedly, the applicant Nos.1 and 2 have withdrawn 50% of the deposited amount which in fact was 50% of the total compensation amount. That means the applicant Nos.1 and 2 have withdrawn only 25% of the total compensation amount. It appears that, learned Tribunal has applied 1/3rd deduction from the salary of deceased despite he being bachelor at the time of accident. However, for this the appellant – M.S.R.T.C. has already reserved 50% of total compensation which yet to be deposited. Therefore, considering this aspect the applicants are permitted to withdraw the entire balance amount of compensation alongwith the interest accrued thereon till date and as per the apportionment made by the learned Tribunal on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

9. The civil application is accordingly disposed of.

CIVIL APPLICATION NO. 304 OF 2022

10. The learned Counsel for the applicants submits that, he would not press the aforesaid Civil Application which was for direction to deposit entire amount of compensation. In view of the same, the Civil Application stands disposed of.

CIVIL APPLICATION NO. 306 OF 2022

11. Since this Court has already passed order today allowing the applicants to withdraw the balance amount of compensation. This application for similar prayer stands disposed of.

**[SANDIPKUMAR C. MORE]
JUDGE**