

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

915 CIVIL APPLICATION NO.8034 OF 2023
IN FAST/1348/2023 WITH CA/534/2023 IN FAST/1348/2023
WITH CA/536/2023 IN FAST/1348/2023

ARUN S/O RAMRAO MUNDHE
VERSUS
THE MAHARASHTRA STATE ROAD TRANSPORT CORPORATION
THROUGH THE DIVISIONAL CONTROLLER

...

Advocate for Applicant : Mr. F. K. Patel
Advocate for Respondent : Mr. A. D. Shinde

....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 05/07/2023.**

P. C. :

A) ORDER IN CIVIL APPLICATION NO.8034 OF 2023 :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire amount of compensation, which has been deposited by the appellant - MSRTC alongwith the interest accrued thereon.
3. The learned counsel for the MSRTC opposed the application on the ground that the injured – claimant was 100% negligent since he himself gave dash to the ST bus from front side. Further, though there was 55% disability, the learned Tribunal held that there was 100% disability.
4. However, it seems that the right hand of the claimant was totally crushed in the accident and since it was head-on collision between two vehicles, no 100% negligence can be attributed to the claimant. In view of the same and considering the compensation granted by the learned Tribunal, the applicant is permitted to

withdraw 75% of the deposited amount of compensation alongwith the proportionate interest accrued thereon till date 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.

B) ORDER IN CIVIL APPLICATION NO.534 OF 2023 :

1. Heard rival submissions.

2. The appellant MSRTC is seeking condonation of delay of only 59 days. Hence, considering the short period of delay, it stands condoned. The appeal be placed for admission after removal of office objection, if any. The application is accordingly disposed of.

C) ORDER IN CIVIL APPLICATION NO.536 OF 2023 :

Since the appellant – MSRTC has deposited entire amount of compensation alongwith interest, the application is made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)