

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

27 CIVIL APPLICATION NO. 8684 OF 2023
IN FIRST APPEAL NO. 1202 OF 2023

SARLA JAGANNATH MARATHE AND OTHERS
VERSUS
MAHARASHTRA STATE ROAD TRANSPORTATION
CORPORATION

...
Mr. S.S. Chapalgaonkar – Advocate for Applicants
Mr. A.B. Dhongade – Advocate for Respondent
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 17th July, 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 but the learned Tribunal ignored the same.
4. In view of the same and considering the compensation

granted by the learned Tribunal, the applicants are permitted to withdraw 50% of the deposited amount of compensation alongwith the proportionate 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.

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