

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

910 CIVIL APPLICATION NO. 8886 OF 2023
IN FIRST APPEAL (ST) NO. 1415 OF 2023
WITH CA/539/2023 IN FAST/1415/2023
WITH CA/540/2023 IN FAST/1415/2023

VANDANA DHANJAY VIKHE AND OTHERS
VERSUS
THE MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION DIVISIONAL OFFICE SARJEPURA
AHMEDNAGAR

...
Mr. M.R. Deshmukh h/f. Mr. A.S. Gandhi – Advocate for
Applicants
Mr. M.D. Shinde – Advocate for Respondent
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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 21st July, 2023

PER COURT :

CIVIL APPLICATION NO. 8886 OF 2023

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the 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, the learned Tribunal did

not consider contributory negligence on the part of deceased despite examination of driver of S.T. Bus.

4. However, learned Counsel for the applicants pointed out that, there was medical expenses of Rs.3,55,000/- and therefore, the withdrawal should be according to it.

5. In view of the same, the applicants at this stage are permitted to withdraw 60% amounts of compensation alongwith the proportionate interest accrued thereon till date from their respective shares as apportioned by the learned Tribunal, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. The remaining amount be kept in F.D.R. in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

7. The civil application is accordingly disposed of.

CIVIL APPLICATION NO. 539 OF 2023

8. The appellant – M.S.R.T.C. is seeking condonation of delay of only 89 days. Considering the short period of delay it

stands condoned.

9. The appeal be placed for admission after removal of office objections, if any.

10. The application is accordingly disposed of.

CIVIL APPLICATION NO. 540 OF 2023

11. Since the appellant – M.S.R.T.C. has deposited amount of compensation as directed by this Court, the application is made absolute in terms of prayer clause 'B' and disposed of.

**[SANDIPKUMAR C. MORE]
JUDGE**