

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

930 CIVIL APPLICATION NO. 9935 OF 2023
IN FIRST APPEAL NO. 2978 OF 2023
WITH CA/3796/2023 IN FA/2978/2023

AFROJ SHAHIN WO IQBAL SHAIKH AND OTHERS
VERSUS
THE MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION THROUGH THE DIVISIONAL CONTROLLER

...
Mr. Patel Fayaz K. - Advocate for Applicants
Mr. M.D. Shinde – Advocate for Respondent

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 10th August, 2023

PER COURT :

CIVIL APPLICATION NO.9935 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 respondent – M.S.R.T.C. strongly opposed the application on the ground that, the deceased was negligent in the accident but that learned Tribunal held the S.T. Bus responsible for the accident. He pointed out that, the photographs showing damage to the S.T.

Bus from right side where also placed but the learned Tribunal did not consider 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 as per the apportionment done 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.

CIVIL APPLICATION NO. 3796 OF 2023

7. Since the applicant – M.S.R.T.C. has deposited the entire amount of compensation alongwith the interest, the application is made absolute in terms of prayer clause ‘B’ and disposed of.

**[SANDIPKUMAR C. MORE]
JUDGE**