

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

975 CIVIL APPLICATION NO.11689 OF 2023
IN FAST/14201/2023 WITH CA/5898/2023 IN FAST/14201/2023 WITH CA/
5899/2023 IN FAST/14201/2023

YELLAPPA JAMANA GORE DIED THROUGH L RS 1-A-1 SANTOSH YELLAPPA
GORE AND OTHERS
VERSUS
DIVISIONAL CONTROLLER, MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION MSTRC

...
Advocate for Applicants : Mr. A.A. Khande
Advocate for Respondent : Mr. M.D. Shinde
...

981 CIVIL APPLICATION NO.12472 OF 2023
IN FA/1972/2023 WITH CA/5900/2023 IN FA/1972/2023

ANUSAYA PRAKASH GORE
VERSUS
DIVISIONAL CONTROLLER, MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION M S R T C

...
Advocate for Applicants : Mr. A.A. Khande
Advocate for Respondent : Mr. M.D. Shinde
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 12/10/2023

PER COURT :

1. Heard the learned counsel for the parties. Present appeals are filed by the appellant/M.S.R.T.C. on the grounds of contributory negligence and quantum awarded to the claimants, being excessive.
2. The learned counsel for appellant/M.S.R.T.C. has strongly opposed the civil applications filed by the original claimants for withdrawal of amount.
3. Having heard the learned counsel for the parties, without going into the merits of the matters, in Civil Application No. 11689/2023 filed for withdrawal of amount, the applicant No. 2 is permitted to withdraw 50% of

the amount deposited in this Court along with the accrued interest thereon on usual undertaking to the satisfaction of the Registrar Judicial of this Court and in Civil Application No. 12472/2023 the applicant No. 1 is permitted to withdraw 75% of the amount deposited in this Court along with the accrued interest thereon on usual undertaking to the satisfaction of the Registrar Judicial of this Court. The remaining amount in both the matters be deposited in F.D.R. in any nationalized bank on yearly renewal basis till final disposal of these appeals. The applications for withdrawal of amount are accordingly disposed.

4. Since the appellant/M.S.R.T.C. has deposited the amount of compensation as directed by this Court in these matters, the ad-interim stay granted earlier is confirmed. Stay applications are disposed of.

5. Appeals are **admitted**.

6. On admission, Mr. A.A. Khande, learned counsel waives service of notice for original claimants in both matters.

7. Call R. & P.

[ARUN R. PEDNEKER J.]

ssc/