

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

945 CIVIL APPLICATION NO.3958 OF 2023
IN FA/3182/2022 WITH CA/14861/2022 IN FA/3182/2022

RENUKA ARUNRAO DESHMUKH
VERSUS
MAHRASHTRA STATE ROAD TRANSPORT CORPORATION
NAMED THROUGH ITS DIVISIONAL CONTROLLER

...
Advocate for Applicant : Mr. B. N. Gadegaonkar
Advocate for Respondent : Mr. A. B. Dhongade
....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 29/03/2023.**

P. C. :

A) ORDER IN CIVIL APPLICATION NO.3958 OF 2023 :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the MSRTC alongwith the interest accrued thereon.
3. The learned counsel for the respondent -MSRTC opposed the application on the ground that the alleged offending bus was not at all involved in the accident.
4. However, the observation of learned Tribunal *prima facie* indicates that bus was involved in the accident. Moreover, the bus driver was also arrayed as an accused in respect of the accident. Further, the calculations to assess the compensation, appears proper except the amount of consortium, which should be of Rs.1,20,000/- instead of Rs.40,000/-. In view of the same and considering the compensation granted by the learned Tribunal, the

applicants are permitted to withdraw the entire deposited amount of compensation alongwith the interest accrued thereon till date as apportioned by the learned Tribunal, on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The civil application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.14861 OF 2022 :

Since the appellant - insurance company has deposited entire amount of compensation, the application is made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)