

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

**925 CIVIL APPLICATION NO.16841 OF 2022
IN FA/1404/2022**

**CHAYA SHARAD MASUL AND OTHERS
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CO., THR
DIVISIONAL CONTROLLER, MSRTC, DIV. DHULE AND ANR**

...

Mr. P.C. Mayure, Advocate for the applicants.
Mr. Bhausahab Deshmukh, Advocate for respondent No.1.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 08.02.2023.

ORDER:-

1. Heard rival submissions. The applicants are seeking withdrawal of entire compensation amount alongwith interest accrued thereon as deposited by respondent M.S.R.T.C.

2. The learned Counsel for the M.S.R.T.C. strongly opposed the application on the ground that the deceased had also contributed in the occurrence of accident.

3. However, it seems that applicant No. 3 i.e. the son of deceased is still minor whereas applicant No.1 Vitthal i.e. father of deceased is no more. The learned Tribunal has apportioned the compensation amount equally among the applicants. Therefore, by keeping shares of applicant No.3 and

4 to the extent of 20% each intact, the remaining 60% amount can be equally distributed among the remaining applicants at this juncture.

4. Thus, applicant Nos.1, 2 and 5 are entitled for withdrawal of 60% of the deposited amount falling to their respective shares alongwith the proportionate interest thereon, by furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The remaining amount be invested in F.D.R. in any Nationalized Bank on yearly renewal basis, till final disposal of this appeal. The liberty is granted to applicant No.3 Lalit to file application for withdrawal of his share on attaining majority.

5. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)