

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

15 CIVIL APPLICATION NO.6909 OF 2023  
IN FA/530/2023 WITH CA/16508/2022 IN FA/530/2023

PRATIK NANASAHEB GOIKAR  
VERSUS  
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION  
VAHATUK BHAVAN THROUGH THE DIVISIONAL CONTROLLER  
MSRTC

...  
Advocate for Applicant : Mr. D. A. mane h/f Mr. N. G. Talekar  
Advocate for Respondent No.1 : Mr. A. D. Wange

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**CORAM : SANDIPKUMAR C. MORE, J.  
DATED : 12/06/2023.**

***P. C. :***

**A) ORDER IN CIVIL APPLICATION NO.6909 OF 2023 :**

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited the alongwith the interest accrued thereon.
3. The learned counsel for the respondent -MSRTC strongly opposed the application on the ground that the learned Tribunal has granted the compensation amount by considering the total negligence of the bus driver, but in fact there was 100% negligence on the part of the other vehicle i.e. truck involved in the accident. exorbitant amount of compensation.
4. Admittedly, there was an accident between two vehicle. However, in the judgment itself the learned Tribunal has relied upon contents of spot panchanama while arriving at a conclusion that the bus driver was at fault. The learned counsel for the

MSRTC also pointed out that there was 100% negligence on the part of truck driver. However, this fact is to be ascertained at the time of merit and therefore, by reserving certain part of compensation the remaining compensation up to 75% can be released. In view of the same, the applicants are permitted to withdraw 75% from their respective shares as apportioned by the learned Tribunal alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

**B) ORDER IN CIVIL APPLICATION NO.16508 OF 2022 :**

1. Since the applicant MSRTC has deposited entire amount of compensation alongwith the interest, the application is made absolute in terms of prayer clause-B and disposed of.

**( SANDIPKUMAR C. MORE, J. )**