

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 CIVIL APPLICATION NO.11332 OF 2023
IN FAST/28884/2022 WITH CA/274/2023 IN FAST/28884/2022 WITH
CA/283/2023 IN FAST/28884/2022

NAINA NANASAHEB JADHAWAR AND ORS
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION THROUGH
THE DIVISIONAL CONTROLLER, OSMANABA AND ORS

...
Advocate for Applicants : Mr. Deshmukh Vivekanand B.
Advocate for Respondent No.1 : Mr. A. D. Wange
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 08/09/2023

PER COURT :

By the impugned order compensation is granted by the Motor Accident Claims Tribunal to the claimants. The amount is deposited in this Court. The present application for withdrawal is filed by the claimants widow and parents of the deceased. The case of the MSRTC is relating to the contributory negligence, and even if the MSRTC succeeds, the claim amount would not be prima facie reduced to less than 75 % of the compensation granted.

2. In view of the same, the applicants are permitted to withdraw 75 % of amount along with accrued interest thereon on usual undertaking. The payment to be made proportionately to all the

applicants. The wife of the deceased to get twice that of each of the parents as directed by the Tribunal. After submission of usual undertaking by the applicants, the Registry is directed to release 75 % of amount to the applicants along with accrued interest . In view of the above, civil application for withdrawal of amount stands disposed of.

3. The civil applications filed for Stay, the learned Advocate for the applicants submits that the amount has been deposited in this Court as per the directions of this Court. In view of the same, the Stay order passed by this Court dated 16/01/2023, is confirmed. Applications filed for Stay stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.