

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 748/2023 IN
FIRST APPEAL NO. 483/2022

The Divisional Controller, MSRTC, Nagpur Vs Shila Wd/O Murlidhar Pardhi And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr V.H. Kedar, counsel for the appellant.

Mr K.P. Mirache, counsel for the applicant/respondent Nos. 1 to 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15/03/2023.

1. Heard.
2. This application is filed by respondent Nos. 1 to 3 for seeking permission for withdrawal of the amount.
3. As per the contention of the respondents, the tribunal has granted compensation of Rs. 9,77,200/- along with accrued interest at the rate of Rs. 7.5%.
4. The appellant has already deposited the amount.
5. The respondents are the dependents of the deceased. Though the award is passed, they have not received a single penny towards compensation and hence, they permitted to withdraw the amount of compensation.
6. The said application is strongly opposed by the learned counsel for the appellant Mr V.H. Kedar, on the ground that the appellant has challenged the quantum of compensation on the ground that the deceased was also

responsible for the said accident, as he has contributed to the said accident.

7. Moreover, respondent Nos. 2 and 3 have already attended the age of majority and they are not dependent on the compensation amount. Considering the grounds mentioned in the application and the objection raised, at this stage, it will be appropriate to permit the respondent Nos. 1 to 3 to withdraw the 50% amount along with accrued interest on usual undertaking.

8. respondent No.1 shall execute the undertaking to the effect that, if the appellant succeeds in the appeal, she has to refund the amount of compensation, as per the direction of this Court.

Civil application is disposed of.

JUDGE