

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

CIVIL APPLICATION (CAF) NO.1381 OF 2020

IN
FIRST APPEAL NO.1811 OF 2019

The Controller, M.S.R.T.C., Nagpur
Vs.
Niranjana wd/o Prakash Naroliya and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Y. R. Chougule, Advocate for appellant.
Mr. Kunal Mirache, Advocate for respondents.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/04/2023

1. Present application is for seeking permission for withdrawal of the amount along with the interest.
2. As per the contention of the claimants deceased Prakash Namdeorao Naroliya died in an accident. The learned Tribunal has awarded the compensation of Rs.16,05,614/-. Though award is passed in their favour, they have not received any compensation amount. As they have loss the bread earner of their family, there is no source of income for them and hence, they may be permitted to withdraw the amount of compensation.
3. The said application is strongly opposed by the learned Advocate for the appellant on the ground that the present appeal is preferred by the appellant

M.S.R.T.C. by raising the defence that the offending vehicle bus was not at all involved in the alleged accident. In view of the reasons mentioned in the application, and considering the objection raised at this stage, it will be appropriate to permit the respondents to withdraw 75% of the amount on usual undertaking along with the accrued interest. Amount be disbursed on due identification and verification.

4. Civil Application is disposed of.

5. The respondents shall submit an undertaking to the extent that, if the appeal is decided in favour of the appellant and this Court directs to refund the amount of compensation, the respondents to undertake that they are ready to refund the amount of compensation in the circumstance of reversal of the judgment of the Tribunal.

(URMILA JOSHI-PHALKE, J.)

Sarkate