



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 CIVIL APPLICATION NO. 6129 OF 2024
IN FAST/23554/2023

GANPATI BAPURAO SATBHAI AND ORS

VERSUS

DIVISIONAL CONTROLLER MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION GANGAKHED ROAD PARBHANI

Mr.PN. Kalani, Advocate for the applicants.

Mr.A.D. Wange, Advocate for sole respondent.

CORAM : KISHORE C. SANT, J.

DATED : 05.07.2024

PC :-

01. Heard learned Advocate for the applicants. This application is filed for withdrawal of the amount deposited by the appellant-insurance company in this Court pursuant to the judgment and award passed by the learned Motor Accident Claims Tribunal, Parbhani, in MACP No.251 of 2019 by which the respondent was directed to pay compensation of Rs.10,34,116/- along with interest @ 6% p.a., including 'no fault liability'. The present applicants are the original claimants. It is reported that now respondent No. 2 Sambhaji is dead.

02. The application is vehemently opposed by the learned Advocate for the respondent. He submits that the age of the deceased was shown to be 61 years, when in-fact the deceased was of 73 years. Thus, wrong multiplier is applied. He submits that good grounds are raised in the appeal. In-case, the appeal is allowed, it would be difficult to recover the amount from the

claimants.

03. On hearing the submissions, it appears that the main dispute is in respect of applying proper multiplier. Considering this, this Court is inclined to allow the application in the following terms :-

ORDER

(i) The application is partly allowed.

(ii) The claimants, except claimant No.2, are entitled to withdraw 50% of the deposited amount along with accrued interest on furnishing usual undertaking. Further 25% of the amount with interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

(iii) Remaining amount shall be invested in fixed deposit of any nationalized bank, to be renewed from time to time till disposal of the appeal.

(iv) Needless to say that the legal representatives of claimant No.2 – Sambhaji are at liberty to apply for withdrawal of the amount.

[KISHORE C. SANT, J.]