



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

CIVIL APPLICATION NO. 4059 OF 2024 IN FA/4493/2023

SOW. SARLABAI SURESH PAYGHAN AND OTHERS
VERSUS
THE DIVISIONAL CONTROLLER MAHARASHTRA STATE ROAD
TRANSPORT CORPORATION

...
Advocate for Applicants : Mr. S. S. Sarda holding for
Mr. Mohit R. Deshmukh
Advocate for Respondent : Mr. Manoj D. Shinde
...

CORAM : S. G. MEHARE, J.

DATE : 26-04-2024

PER COURT :-

1. Heard the learned counsel for the applicants and the learned counsel for the respondent/appellant.
2. Learned counsel for the appellant opposed this application contending that notional income of the deceased was incorrectly held. The deceased himself was negligent in causing the accident. The deceased was 20 years old.
3. Learned counsel for the applicants submits that after evaluating the evidence, the learned Tribunal has assessed and determined the compensation. The deceased was a young boy having good prospects and future. The applicants are the parents of the deceased.

4. Considering the submissions and the issue involved in the case, the application deserves to be partly allowed. Hence, the order;

ORDER

- I) The application is partly allowed.
- ii) The applicants are entitled to withdraw 80% of the amount deposited with this Court with accrued interest on the condition that they would deposit the amount, if the impugned judgment and award is reversed.
- iii) The money allowed to be withdrawn shall be apportioned equally.
- iv) The balance amount be invested in the fixed deposit receipt as per rules.

(S. G. MEHARE)
JUDGE

rrd