



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

994 CIVIL APPLICATION NO. 8922 OF 2024
IN FAST/23477/2023 (withdrawal)

Smt. Godavaribai W/o Dattarao @ Datta More And Ors
VERSUS

Maharashtra State Road Transport Corporation, Nanded
Through Its Divisional Controller

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Advocate for Applicant : Mr. Y D Kale h/f Ms. C.S. Deshmukh
Advocate for Respondents : Mr. A. D. Wange

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WITH
CIVIL APPLICATION NO. 9773 OF 2023 (delay)
IN FAST/23477/2023

WITH
CIVIL APPLICATION NO. 9774 OF 2023 (stay)
IN FAST/23477/2023

Through Its Divisional Controller

VERSUS

Smt Godavaribai Wd/o Dattarao @ Datta More And Ors

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Advocate for Applicant : Mr. A.D. Wange
Advocate for Respondents: Mr. Y D Kale h/f Ms. C.S.
Deshmukh

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : August 23, 2024

PER COURT :-

CA for Withdrawal of amount :-

1. Heard learned advocates appearing for the respective parties.

2. This is an application seeking withdrawal of the amount deposited by the Respondent MSRTC in pursuance of the Award passed by the Tribunal in MACP No.367/2016 u/s 166 of the Motor Vehicles Act.

3. Learned advocate appearing for the applicants submits that applicants have lost bread winner of the family due to motor vehicular accident. Tribunal, after considering the relevant factors passed the Award in favour of the claimants. He therefore seeks permission to withdraw the amount deposited by the respondent MSRTC.

4. Mr. Wange, learned advocate appearing for the respondent MSRTC submits that this is a case of self negligence of the deceased, who suddenly alighted from the rickshaw and came across the bus, which was driven cautiously as per rules. He would submit that even otherwise award is excessive.

5. Having considered the submissions advanced, apparently, deceased died on account of motor vehicular accident involving the bus. Driver of the bus was prosecuted for rash and negligent driving. The Tribunal, after considering relevant material concluded that bus driver was sole responsible for the accident. There is no dispute that the claimants were dependent on income of the deceased. Further, quantum of the compensation appears to be reasonable. In that view of the matter, applicants are permitted to withdraw 70% of the amount deposited by the Respondent/MSRTC on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Civil application stands **disposed off**.

CA for Delay :-

6. Heard learned advocates appearing for the respective parties.
7. Having considered the submissions advanced and reasons as stated in the application, the application is allowed and delay of 254 days caused in filing the appeal is condoned. CA stands **disposed off**.
8. Appeal be registered. On registration of appeal, issue notice to the Respondents. Learned counsel appearing for respondents waives notice.
9. Call for record and Proceeding.
10. Place the appeal for further consideration after four weeks.

Stay application :-

11. Mr. Wange, learned counsel submits that entire amount as per award is deposited with the Registry of this Court.
12. There is no counter to his submissions.
13. Consequently, civil application is allowed in terms of prayer clause 'B' and stands disposed off.

(S. G. CHAPALGAONKAR)
JUDGE

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