



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

**CIVIL APPLICATION NO. 8725 OF 2024  
IN FA/4273/2023**

**MEERABAI W/O BALAJI BARGE AND ORS  
VERSUS  
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION  
THROUGH ITS DIVISIONAL CONTROLLER DIVISIONAL**

...  
Mr. G. K. Muneshwar, Advocate for Applicants.  
Mr. A. D. Wange, Advocate for Respondent.  
...

**CORAM : S. G. CHAPALGAONKAR, J.  
DATED : 26<sup>th</sup> AUGUST, 2024.**

**P.C.:-**

1. Heard the learned Advocates appearing for the respective parties.
2. By this application, applicants seek withdrawal of amount deposited by respondent-MSRTC in pursuance to the Award passed by the Tribunal under provisions of Section 166 of the Motor Vehicle Act.
3. The learned Advocate appearing for the applicants submits that applicants have lost bread earner of the family and they were dependent on his income. The learned Tribunal has passed Award after considering relevant aspects of the matter. Hence, urges to release the amount deposited by the respondent.
4. Mr. Wange, learned Advocate appearing for the respondent submits that this is a case of contributory negligence. Even the Tribunal awarded excessive compensation.

5. Having considered submissions advanced, it is admitted that deceased lost life on account of accident involving vehicle owned by MSRTC. The Tribunal on the basis of evidence adduced by the parties, recorded findings that bus driver was sole responsible for accident. In this background, considering the exigency of applicants, applicant no.1 is permitted to withdraw entire amount of her share. The 25% of the amount falling to the shares of applicant nos.2 and 3 can be withdrawn by applicant no.1 subject to condition that she files an undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. The amount falling to the share of applicant no.4 and balance of the amount falling to the shares of applicant nos.2 and 3 be invested in Fixed Deposits in Nationalized Bank.

7. Civil Application stands disposed of.

**(S. G. CHAPALGAONKAR)**  
**JUDGE**

Devendra/August-2024