



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13108 OF 2023
IN FAST/34201/2022

SUNIL BAPUNA SHINDE

VERSUS

DIVISIONAL CONTROLLER MAHARASHTRA STATE ROAD
TRANSPORT THROUGH ITS DIVISIONAL CONTROLLER,
GANGAKHED

...

Advocate for Applicant : Mr. Agrawal Pawankumar Suryakiren

Advocate for the respondent : Mr. A.B. Dhongade

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CORAM : S. G. MEHARE, J.

DATE : 02.01.2024

PER COURT :

1. It is case of an award for injury arising out of the vehicular motor accident. An award of Rs. 2,81,014/- was passed. The respondent has deposited the said amount. The applicant seeks leave to withdraw the amount of an award.

2. The learned counsel for the respondent opposed the application contending that the compensation had not been properly determined. It was excessive. He also submit that there was contributory negligence. However, he was unable to state whether specific defence of contributory negligence was raised before the Tribunal. The

compensation granted to the claimant appears not excessive. However, certain conditions may be imposed. Hence, the following order

ORDER

- (I) The application is allowed.
- (II) Leave granted to the applicant to withdraw Rs. 2,84,799/-
(Rs. Two Lakh Eight Four Thousand, Seven Hundred & Ninety Nine) with an undertaking to deposit the amount within four weeks if the impugned award is reversed.
- (III) The office is directed to release the amount to the applicant on undertaking as mentioned above.

Call record and proceeding.

(S. G. MEHARE)
JUDGE

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