



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

CIVIL APPLICATION NO. 14782 OF 2023
IN FA/3911/2023

SMT SHEVANTA GANGARAM PAWARA AND OTHERS
VERSUS
MAHARASHTRA STATE ROAD TRANSPORTATION CORPORATION
AND ANOTHER

...
Advocate for Applicants : Mr. A. P. Yenegure holding for
Mr. Sarang P. Joshi

Advocate for Respondent No.1 : Mr. Manoj D. Shinde

...

CORAM : S. G. MEHARE, J.

DATE : 25-01-2024

PER COURT :-

1. Heard the learned counsel for the applicants and the learned counsel for respondent No.1/appellant.
2. The learned counsel for respondent No.1/appellant opposed the application contending that the driver of the vehicle allegedly involved in the accident was not negligent. The evidence of negligence has not been correctly appreciated. The learned Tribunal has incorrectly held the appellant liable to pay the compensation. Hence, the applicants are not entitled to withdraw the money.

3. Learned counsel for the applicants/original claimants submits that there was evidence against the driver. The vehicle owned by the appellant caused accident due to his negligence. Since the deceased lost life in accident, his wife and minor children lost their income source. Hence, they may be allowed to withdraw the amount.

4. Considering the facts of the case, the application deserves to be partly allowed. Hence, the order;

- i) The application is partly allowed.
- ii) The applicants/wife and minor children of the deceased are permitted to withdraw the amount of their share with accrued interest as per the apportionment done in the amount awarded.
- iii) The natural guardian mother should furnish an undertaking for and on behalf of minor children and herself that they will deposit the amount, if the judgment and award impugned before this Court is reversed.

(S. G. MEHARE)
JUDGE

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