



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3376 OF 2024
IN FA/78/2024 WITH
CIVIL APPLICATION NO. 14904 OF 2023
IN FA/78/2024

Pravina Suresh Kahate And Ors

VERSUS

Controller Divisional Office Parivahan Mahamandal Aurangabad And
Anr

...

Advocate for Applicants : Mr. Bagal Suraj R.
Advocate for Respondent No.1 : Mr. M.D. Shinde

...

CORAM : S.G. MEHARE, J.

DATED : APRIL 19, 2024

PER COURT:-

1. Heard the respective counsels.
2. The deceased was 15 years old having dependency of the applicants. Learned counsel for the applicants submits that the notional income was considered on very lesser side. The applicants have no money to prefer the appeal. They were entitled to more compensation. Hence, they may be allowed to withdraw 100% of the amount.
3. Learned counsel for the appellant submits that the Tribunal has incorrectly granted Rs.2,50,000/- towards love and affection. The case of contributory negligence was not correctly appreciated.

(2)

4. Perused the impugned judgment and award and examined the facts of the case. Considering the facts in toto, the applicants are allowed to withdraw the entire money except Rs.2,50,000/-, on the undertaking that they would deposit the money if the impugned judgment and award is reversed.

ORDER IN CIVIL APPLICATION NO.14904 OF 2023 FOR STAY :

1. Heard the respective counsels.
2. The appellant has a arguable case in the appeal. He has also deposited the compensation amount. Therefore, the application is allowed and interim stay granted to the appellant is confirmed till the conclusion of the appeal.
3. Admit.
4. Issue notice to the respondents.
5. Learned counsel Mr. S.R. Bagal waives service of notice for respondent nos.1 to 5.
6. Call record and proceeding.

(S.G. MEHARE, J.)