



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

**CIVIL APPLICATION NO. 14896 OF 2023
IN FA/4509/2023**

Kalyan Shivaji Kale And Ors

VERSUS

The Maharashtra State Road Transport Corporation Through The
Divisional Controller

...

Mr. Dargad Swapnil Sunilkumar, Advocate for Applicant

Mr. A. D. Wange, Advocate for Respondent - Sole

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**CORAM : R.G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 03.01.2024

PER COURT :

1. This is an Application by the original Claimants for withdrawal of the amount of compensation deposited by the Respondent/MSRTC in this Court as per the Judgment and Award / Decree passed by the Motor Accident Claims Tribunal, Ambajogai, Taluka Ambajogai, District Beed, in Motor Accident Claim Petition No.97/2018.

2. Heard both the sides.

3. Learned Advocate for the Applicants submits that the Applicants have also preferred Appeal for enhancement of compensation. He submits that the Applicants be permitted to withdraw the entire amount, which has been deposited in this Court.

4. Learned Advocate for the Respondent/MSRTC opposes the prayer. He submits that even the MSRTC has filed the Appeal against the aforesaid impugned Judgment / Decree.

5. After hearing both the sides and considering the fact that the present matter pertains to the compensation under the Motor Vehicle Act, we permit the withdrawal as follows: -

(i) The total amount deposited in this Court by the MSRTC is Rs.1,21,19,578/-. Out of the said amount, we permit the Applicants to withdraw an amount of Rs.50,00,000/- [Rs. Fifty Lakhs].

(ii) The Applicant Nos.1 and 2 being major, the amount of Rs.50,00,000/- [Rs. Fifty Lakhs) be divided equally amongst them.

(iii) The remaining amount, including the share of the minors viz. Applicants No. 3 and 4, be deposited by the office as per rules/practice.

6. Civil Application is accordingly disposed of.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)