

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 919 OF 2022**

Maharashtra State Road Transport Corporation	... Appellant
Versus	
Amjad Fariyad Khan and Anr.	... Respondents

**WITH
INTERIM APPLICATION NO. 9156 OF 2024 (withdrawal)
IN
FIRST APPEAL NO. 919 OF 2022**

Amjad Fariyad Khan and Anr.	... Applicants
<u>In the matter of</u>	
Maharashtra State Road Transport Corporation	... Appellant
Versus	
Amjad Fariyad Khan and Anr.	... Respondents

**WITH
INTERIM APPLICATION NO. 17461 OF 2022 (stay)
IN
FIRST APPEAL NO. 919 OF 2022**

Maharashtra State Road Transport Corporation	... Appellant /Applicant
Versus	
Amjad Fariyad Khan and Anr.	... Respondents

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Mr. D. D. Rananaware, Advocate for the Appellant.
Mrs. Jeeni A. Antony, Advocate for Respondents in FA/919/2022 and for Applicants in IA/9156/2024.

**CORAM : ARUN R. PEDNEKER, J.
DATED : 29th JULY, 2024.**

P.C. :

INTERIM APPLICATION NO. 9156 OF 2024

1. Heard learned counsel for the parties.
2. The present appeal is filed by MSRTC on the ground of

negligence so also on the ground of quantum. In the instant case, the chargesheet is filed against the driver of the bus and in any event the claimants are the dependents of the pillion rider of the motorcycle which met with an accident with the MSRTC bus. In the instant case, the notional income of the deceased is considered as Rs.6,000/- p.m. Learned counsel for the applicants submits that his income ought to have been considered as Rs.15,000/- p.m. as he was a skilled worker.

3. Considering the above submissions, I permit the applicants to withdraw 80% of the amount deposited before the Tribunal along with accrued interest thereon till date to the extent of their share subject to filing of usual undertaking to the satisfaction of the Presiding Officer of the Tribunal.

4. Interim Application No. 9156 of 2024 is disposed of.

INTERIM APPLICATION NO. 17461 OF 2022

5. The stay of the impugned order granted earlier stands confirmed till the final disposal of the appeal. Interim application No. 17461 of 2022 is disposed of.

6. The appeal is admitted.

7. Ms. Antony waives service for respondents.

8. Call R & P.

(ARUN R. PEDNEKER, J.)