

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7056 OF 2024
IN
FIRST APPEAL NO.444 OF 2023

Smt.Sunita Sandip Rathod & Ors. Applicants

V/s.

Maharashtra State Road Transport Respondents
Corporation, Thr. Its Divisional Controller

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SANTOSH
KAMBLE

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Date: 2024.07.25
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Ms.Rupa Singh i/b Mr.R.S. Pawar, for the Applicant in IA and for
the Respondent in FA.

Mr.Karan Singh Bhadoria i/b Mr.N.V. Bhutekar, for the
Respondents in IA and for the Appellant in FA.

CORAM : ARUN R. PEDNEKER, J.

DATE : 23rd JULY 2024

P.C:-

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. Heard learned counsel for the parties.

2. The present Appeal is filed on the ground of non-
involvement of the vehicle.

3. The learned counsel appearing for the Appellant
submits that the evidence particularly of the safety and vigilance

officer was not considered by the Tribunal that the vehicle was not plying on the road on that particular day and there was no occasion to the bus driver to take the bus to the bus depot at the time of accident. However, the Tribunal has relied upon the evidence of PW-2, the rickshaw driver who was present at the spot of accident. The evidence of witnesses examined by the Petitioner as well as documents produced mentions the date and place of the accident.

4. In Paragraph No.22 the Tribunal has observed as under:-

“22. Accordingly, perusal of testimony of the witnesses and documents filed on record discloses that the accident has been caused due to rash and negligent act of the driver of the offending bus. In fact instead of taking the injured to the hospital the driver of the bus alongwith conductor of the said bus hid the said fact of accident and ran away after dropping the injured at Nimani Bus Stop. In any case, the offence has been registered against driver and the conductor of the offending vehicle and charge-sheet has been filed against them as mentioned here-in-above. Accordingly, in my opinion prima facie the accident took place because of the rash and negligent driving of the driver of the offending bus.”

5. *Prima facie* from record it appears that offence has been registered against the bus driver and that the bus driver had proceeded to take the injured to the hospital and ran away after

dropping the injured at Nimani Bus Stop.

6. In view of the same, I permit the major Applicants/Claimants to withdraw 70% amount along with accrued interest thereon as directed by the Tribunal in the proportion granted by the Tribunal. The share of minors so also balance amount be kept in Fixed Deposit in Nationalized Bank.

7. Liberty to apply for minors in the event there is medical emergency or for education purpose.

8. The Application for withdrawal is disposed of.

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9. The Appeal is admitted.

10. Call Record and Proceedings.

(ARUN R. PEDNEKER, J.)