



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

991CIVIL APPLICATION NO.243 OF 2025 IN FAST/14941/2024

Priyanka Kaduba Thube And Ors

versus

Maharashtra State Road Transport Corporation Through
Divisional Controller

...

Advocate for applicants: Ms. Mangal Vasantrao Manal

Advocate for respondent : Mr. D.S. Bagul

...

WITH

CIVIL APPLICATION NO.12407 OF 2024 IN FAST/14941/2024

Maharashtra State Road Transport Corporation Through
Divisional Controller

VERSUS

Priyanka Kaduba Thube And Ors

...

Advocate for Applicant : Mr. D.S. Bagul

Advocate for Respondents : Ms. Mangal Vasantrao Manal

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 10, 2025

ORDER :-

(CA for withdrawal of the amount):-

1. The applicants/original claimants are seeking withdrawal of the amount deposited by the respondent/MSRTC in pursuance to the award dated 30.10.2023 passed by the MACT, Aurangabad in MACP no 164/2022.

2. Undisputedly, deceased Kaduba lost his life in motor vehicular accident involving the bus owned by the Corporation. Tribunal after considering rival contentions and evidence passed an award for Rs.27,91,600/- in favour of the claimants alongwith the interest. Corporation has deposited total amount of Rs.31,11,309/- with the Registry of this Court.

3. The Corporation seeks to challenge the award passed by the Tribunal on the ground that deceased himself has contributed in the accident while riding the motorcycle. So also Tribunal has considered excessive income of the deceased @ 12,000/- p.m.

4. Having considered submissions advanced and looking to the nature of dispute in this appeal, certainly claimants are entitled to withdraw part of the amount as per the award passed by the Tribunal.

5. In that view of the matter, the claimants are permitted to withdraw 50% of the compensation amount deposited by the MSRTC alongwith the accrued interest thereon subject to condition that the applicants files an undertaking to the satisfaction of the Registrar (J) of this Court that they shall re-deposit the amount, in case adverse order is passed in appeal and they are required to re-deposit the amount. Application stands **disposed off**.

Stay application :-

6. Mr. Bagul, learned advocate appearing for the appellant submits that entire amount as per award passed by the Tribunal is deposited with the Registry of this Court.

7. Learned counsel appearing for the respondents do not dispute said statement.

8. In that view of the matter, civil application stands allowed and disposed off.

(S. G. CHAPALGAONKAR, J.)

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