



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

79 CIVIL APPLICATION NO. 12037 OF 2024
IN FAST/29087/2024
WITH
CIVIL APPLICATION NO. 12038 OF 2024
IN FAST/29087/2024

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION
VERSUS
HANMANT RAMKISHAN KAMALE AND ANOTHER

....
Advocate for Applicant : Mr. Vishnu Madan Patil h/f
Mr. Dnyaneshwar Suresh Bagul
Advocate for Respondent No.1 : Mr. Eknath G. Irale

....
AND
CIVIL APPLICATION NO. 1676 OF 2025
IN FAST/29087/2024

HANMANT RAMKISHAN KAMALE
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION

....
Advocate for Applicant : Mr. Eknath G. Irale
Advocate for Respondent No.1 : Mr. Vishnu Madan Patil h/f
Mr. Dnyaneshwar Suresh Bagul

....
CORAM : S. G. CHAPALGAONKAR, J.

Dated : 13th February 2025

PER COURT :-

ORDER ON CIVIL APPLICATION FOR CONDONATION OF DELAY :

1. The applicant to take steps against unserved respondent No.2 within a period of four weeks from today.
2. Stand over to 27.03.2025.

ORDER ON APPLICATION FOR WITHDRAWAL OF AMOUNT :

3. Heard learned advocates appearing for respective parties.

4. The applicant seeks permission to withdraw amount deposited by respondent No.1-MSRTC, in pursuance to Award dated 04.05.2024, passed by learned Motor Accident Claims Tribunal & District Judge-1 Latur, in M.A.C.P. No.256 of 2017.

5. The applicant/claimant was injured in motor vehicular accident dated 28.07.2017. While he was proceeding on his motorcycle, it was dashed by MSRTC Bus, resulting into multiple injuries and permanent disability to him.

6. The claimant filed claim for compensation attributing negligence against bus driver. It was refuted by respondent No.1-MSRTC. The Tribunal, upon evaluation of evidence, concluded that claimant suffered permanent disablement and consequently loss of earning. The Tribunal considered 20% contributory negligence on the part of claimant and assessed compensation to tune of Rs.13,96,880/-. The MSRTC deposited amount along with interest with Registry of this Court.

7. Perusal of the grounds of Appeal shows that the respondent-MSRTC carried forward its defence of contributory negligence and quantum. Apparently, entitlement of claimant cannot be denied. In that view of the matter, claimant can be permitted to withdraw partial amount deposited by MSRTC. Hence, following order.

ORDER

1. The application is partly allowed.
2. The applicant/claimant is permitted to withdraw 70% of amount alongwith accrued interest as deposited by respondent No.1-MSRTC on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this court, stating that he shall redeposit amount, in case adverse order is passed in Appeal.
3. Rest of the amount be kept in fixed deposit in any nationalized bank.

(S. G. CHAPALGAONKAR, J.)