



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

**98 CIVIL APPLICATION NO. 1880 OF 2025
IN FAST/23521/2024**

Sharda Janardhan Ghavate And Ors

VERSUS

The Maharashtra State Road Transposrt Corporation And Anr

...

Advocate for Applicant : Mr. Gore Ravindra Vitthal

Advocate for Respondents : Mr. Dnyaneshwar Suresh Bagul

...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 07, 2025

PER COURT :-

1. Heard learned advocates appearing for the respective parties.
2. The applicants/claimants in MACP No.100 of 2020 are seeking permission to withdraw the amount deposited by the appellant MSRTC in pursuance to the award dated 2.12.2023 passed by the Tribunal.
3. Claimants are legal heirs/dependents of the deceased Janardhan Ghavate, who lost life in motor-vehicular accident on 5.9.2019. They lodged claim seeking compensation under section 166 of the M.V. Act. Tribunal, upon evaluation of the evidence, allowed the claim and directed respondent MSRTC to deposit the compensation amount. Aggrieved MSRTC filed present appeal on the ground that there is delay in lodging the FIR. As such involvement of the bus is suspicious.

Consequently, assessment of the compensation is excessive and exorbitant.

4. Having considered submissions advanced and reasons as adopted by the Tribunal, apparently entitlement of the claimants to receive compensation cannot be disputed. Claimants are therefore entitled for partial withdrawal of the amount, subject to certain conditions. Hence, the application deserves to be allowed. Hence, order.

O r d e r

- i. Application is allowed.
- ii. The claimant nos.1, 4 and 5 are permitted to withdraw 75% of amount of their share alongwith accrued interest, subject to furnishing of an undertaking to the satisfaction of the Registrar (Judicial) of this Court that they shall re-deposit the amount in case, adverse order is passed in appeal.
- iii. CA stands disposed of.

(S. G. CHAPALGAONKAR, J.)

...

aaa-