



{1}

24 sr.no..odt

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

**CIVIL APPLICATION NO. 1145 OF 2025
IN FA/1869/2024**

Nita W/o Bhausahab Dahifale

....Applicant

VERSUS

Maharashtra State Road Transport Corporation Mumbai

.....Respondent

.....
Advocate for Applicant : Mr. Badakh Vishal Sopanrao
Advocate for respondent : Mr. D.S. Bagul

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 31st JANUARY, 2025.

P.C. :-

ON APPLICATION FOR WITHDRAWAL

1. The applicant seeks permission to withdraw the amount deposited by respondent Corporation in pursuance to the award passed by the M.A.C.T., Newasa in M.A.C.P. No. 5 of 2019.

2. The applicant suffered injuries in a motor vehicular accident dated 6.4.2016 while she was travelling in MSRTC bus. She instituted claim for compensation. The Tribunal, after evaluation of evidence allowed the claim petition and passed an award of Rs. 26,12,000/- in favour of the claimants. Respondent Corporation preferred appeal against the award and deposited amount of Rs. 39,90,224/- with the Registry of this Court.

3. Mr. Badakh, learned advocate submits that applicant has suffered injury to the spinal cord and cannot walk or lost movement below his waist. She is permanently on wheel chair.

4. Learned advocate for respondent Corporation submits that it was a case of composite negligence, however, the claimant failed to add owner and insurer of other vehicle. Hence, such default needs to be considered in appeal.

5. Having considered submissions advanced, apparently, this is a case of composite negligence. Claimant exercised her choice to file the claim against the MSRTC. Considering the medical condition of the applicant, assessment of compensation appears to be just and proper. Consequently, applicant is permitted to withdraw 75% of the amount of compensation deposited by MSRTC, on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court. Rest of the amount kept in a Fixed Deposit, with a Nationalized bank with renewal clause, till disposal of appeal. Civil application is disposed of.

ON STAY APPLICATION

Mr. Bagul, learned advocate for applicant submits that the entire amount as per the award passed by the Tribunal has been deposited by the applicant with the Registry of this Court. The statement is supported by the office endorsement. Hence, application is allowed in terms of prayer clause (C) and disposed of.

{3}

24 sr.no..odt

IN APPEAL

Call for R. & P

S.O. for six weeks.

[S.G. CHAPALGAONKAR, J]

grt/-