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

**CIVIL APPLICATION NO. 1147 OF 2025
IN FAST/18299/2024**

Mahadeo Hanuman Shinde

....Applicant

VERSUS

Maharashtra State Road Transport Corporation Through The
Divisional Controller

.....Respondent

.....

Advocate for Applicant : Mr. Deshmukh Mohit Ramesh Rao

Advocate for respondent : Dnyaneshwar Suresh Bagul

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 31st JANUARY, 2025.

P.C. :-

1. The applicant seeks permission to withdraw the amount deposited by respondent Corporation in pursuance to the award dated 17.1.2024 passed by the M.A.C.T., Beed, in M.A.C.P. No. 258 of 2019.

2. The applicant suffered injuries in a motor vehicular accident while he was travelling as a pillion rider on a motor-cycle, which dashed against the MSRTC Bus. The respondent Corporation contested the claim on the ground of composite negligence and quantum. The Tribunal, after evaluation of evidence allowed the claim petition and passed an award of Rs. 14,67,000/- in favour of the claimants. Respondent Corporation preferred appeal against the award and deposited entire amount

alongwith interest, with the Registry of this Court. The claimant seeks permission to withdraw the said amount.

3. Having considered submissions advanced, apparently, the claimant was a pillion rider on a motor-cycle. At the most, this case may be governed by composite negligence. Even assuming negligence on the part of motor-cycle rider alongwith driver of the ST bus, the assessment of compensation apparently is just and proper. Consequently, the application deserves to be allowed.

O R D E R

[I] 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.

[II] 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.

I N S T A Y

Mr. Bagul, learned advocate for applicant submits that the entire amount as per the award passed by the Tribunal alongwith interest 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.

IN DELAY APPLICATION.

The applicant seeks to condone the delay of 37 days caused in filing the appeal. Perusal of the reasons shows that it is on account of administrative reasons, the delay has occasioned. Resultantly, civil application is allowed. Delay of 37 days caused in filing the appeal stands condoned. Appeal be registered. On registration of appeal, issue notice to respondents.

Mr. Deshmukh waives notice for respondent No.1.

Call for R.& P

Parties are put to notice that appeal may be heard finally at the stage of admission

[S.G. CHAPALGAONKAR, J]

grt/-