



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

**CIVIL APPLICATION NO. 2886 OF 2025
IN FAST/28240/2024**

**SUSHILA ASHOK GHORPADE AND ORS
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION
AND ANR**

...
Mr. Suraj R. Bagal, Advocate for Applicants.
Mr. D. S. Bagul, Advocate for Respondent No.1.
...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 04th APRIL, 2025.**

P.C.:-

1. Heard learned Advocates appearing for respective parties.
2. The applicants are dependents of deceased Ashok Ghorpade, who died in motor vehicular accident dated 17.03.2020. The applicants approached Tribunal under Section 166 of the Motor Vehicle Act raising claim for compensation against respondent-Corporation alleging negligence of ST Bus driver.
3. The Tribunal after evaluation of evidence concluded that accident occurred due to sole negligence on the part of ST Bus driver and passed award for Rs.71,45,512/- alongwith interest @ 6% per annum.
4. The respondent-Corporation filed present appeal on the ground that deceased himself was responsible for accident or he was major contributor for cause of accident. Even assessment of compensation is excessive and exorbitant.

3. Considering submissions advanced, it is apparent that accidental death of deceased on account of dash given by ST Bus is not in dispute. The question whether deceased was contributor in cause of accident or even assessment of compensation is appropriate can be considered at the time of final disposal of Appeal. It appears that, applicants are certainly entitled for partial withdrawal of amount. Hence, following order:

ORDER

- a. Civil Application is partly allowed.
- b. The claimant nos.1,3 and 4 are permitted to withdraw 75% of the amount deposited by appellant falling to their shares subject to condition that they shall file an undertaking to the satisfaction of learned Registrar (Judicial) of this Court that they shall redeposit the amount in case adverse order is passed in appeal.
- c. Rest of the amount shall remain in Fixed Deposits till final disposal of Appeal.

(S. G. CHAPALGAONKAR)
JUDGE