



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

39 CIVIL APPLICATION NO. 3946 OF 2025
IN FAST/11415/2024

Jyotibai Ramesh Jadhav And Ors

VERSUS

Maharashtra State Road Transport Control Dhule And Anr

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Advocate for Applicant : Mr. Mahesh Haibatrao Patil

Advocate for Respondents : Mr. D.S. Bagul For R/1

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WITH

CIVIL APPLICATION NO. 5964 OF 2024 IN FAST/11415/2024*

CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 09, 2025

ORDER :-

Civil Application for withdrawal of the amount :-

1. Heard learned advocates appearing for the respective parties.
2. The applicants are seeking permission to withdraw the amount deposited by the respondent/MSRTC in pursuance to the award dated 12.10.2022 passed in MACP no.53 of 2017 at Nandurbar. Undisputedly, deceased, who was bread earner of the applicants family died in motor-vehicular accident. While he was traveling as pillion rider on motorcycle, MSRTC bus given dash to the said motorcycle, which has caused fatal injuries. The claimants approached Tribunal seeking compensation under section 166 of the Motor Vehicles Act. Tribunal, after evaluation of the evidence, allowed claim and directed respondent MSRTC to pay compensation of

Rs.10,78,000/- alongwith interest @ 6% p.a. to the claimants. Aggrieved MSRTC filed this appeal on the ground that Tribunal has erroneously added 40% amount towards future prospects.

3. Considering submissions advanced and reasons as recorded by Tribunal, claimants are certainly entitled for partial withdrawal of the amount. It is to be noted that claimant no.5 was minor aged about 6 years at the time of institution of the claim. The amount falling to her share needs to be kept in fixed deposit.

4. In that view of the matter, applicant nos.1 to 4 are permitted to withdraw 75% amount of compensation falling to their share on furnishing usual undertaking to the satisfaction of the Registrar Judicial of this Court. The amount falling to the share of Kalabai Sitaram Jadhav, who died during pendency of claim petition be equally apportioned between the original claimants and disbursed accordingly. Rest of the amount shall be kept in fixed deposit till further orders of this Court.

Delay Application :-

5. Heard learned advocates appearing for the respective parties

6. There is delay of 445 days caused in filing the present appeal.

7. Considering submissions advanced and reasons as stated in the application, application is allowed. Delay of 445 days caused in filing the appeal is condoned. Appeal be registered. On registration of the appeal, issue notice to the respondents, returnable after eight weeks.

8. Call for Record and proceeding.
9. Parties are put to the notice that appeal may be heard finally at the stage of admission, if time permits.

(S. G. CHAPALGAONKAR, J.)

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