

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4137 OF 2025
IN FAST/34584/2024

Sushma Ratanpal Dhaware And Ors

....Applicant

VERSUS

Maharashtra State Road Transport Corporation Head Office Dharashiv
And Ors

.....Respondent

.....

Advocate for Applicant : Mr. Adv Ganesh Jyotiram Kore

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

Mr. A.S. Usmanpurkar For R/4

.....

WITH

CIVIL APPLICATION NO. 423 OF 2025
IN FAST/34584/2024

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 5th MAY, 2025.

P.C. :-

1. Heard learned advocates for the parties.
2. The applicants seek permission to withdraw the amount deposited by the respondent Corporation in pursuance to the award passed by the Tribunal under the provisions of the Motor Vehicles Act. The applicants are dependents of Ratanpal Dhaware, who died in motor vehicular accident while he was driving car which was dashed by MSRTC Bus. The applicants filed claim for compensation under Section 166 of the Motor Vehicles Act. The Tribunal recorded a finding of sole negligence against the bus driver and passed award against respondent MSRTC.
3. Mr. Bagul, learned Advocate for respondent MSRTC submits that this is a case of composite negligence of car and bus driver, however,

this aspect is not properly considered by the Tribunal. Looking to the grounds in appeal, the entitlement of the claimants to receive compensation cannot be disputed in toto. As such, the applicants can be permitted to withdraw 60% of the amount alongwith interest accrued thereon, subject to furnishing usual undertaking. Hence, the following order :-

ORDER

[i] The application is partly allowed. The applicants are permitted to withdraw 60% of the compensation amount deposited by respondent alongwith interest accrued thereon, as per apportionment of the Tribunal subject to furnishing an undertaking to the satisfaction of Registrar (Judicial) of this court, that in case any adverse order is passed, they shall redeposit the amount. Such undertaking be filed within eight weeks from today.

[ii] Rest of the amount be deposited in Fixed Deposit, with renewal clause, till disposal of appeal.

[iii] Civil application is disposed of.

ON C.A. No.423 of 2025 FOR STAY.

Mr. Bagul, learned advocate for applicant submits that the entire amount as per the award passed by Tribunal has been deposited by the insurance company. The statement is supported by office endorsement. In that view of the matter, civil application is allowed and disposed of.

[S.G. CHAPALGAONKAR, J.]

grt/-