



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO. 5078 OF 2025
IN FAST/5138/2025

RAJENDRA VINAYAK TUPE THROUGH NEXT FRIEND SMT
SHOBHA RAJENDRA TUPE

VERSUS

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION, THR
DIV. CONTROLLER, MAHARASHTRA STATE ROAD AND ANR

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Ms. Meera Ambadasrao Bhosle, Advocate for the Applicant
Mr. D. S. Bagul, Advocate for Respondent No.1

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 02.05.2025

PER COURT :-

. Heard learned Advocates for respective parties.

2. The applicant is seeking permission to withdraw the amount deposited by the respondent/MSRTC in pursuance to the award dated 06.05.2024 passed in MACP No.172 of 2020 at Chh. Sambhajanagar.

3. The applicant suffered injuries in motor vehicular accident dated 28.12.2019, involving MSRTC bus. The claimant approached the Tribunal seeking compensation under Section 166 of the Motor Vehicles Act. Due to rash and negligent driving of the bus driver, he sustained permanent disability. Tribunal, after

evaluation of the evidence found that the applicant suffered 56% permanent disability and lost his earning capacity. Eventually, passed an award for Rs.15,68,000/- in his favour. The respondent/MSRTC filed an appeal assailing the judgment and award passed by the Tribunal, carrying forward its defence. As the reasons stated and recorded in the impugned judgment, it cannot be disputed that the applicant suffered injuries and permanent disability in an accident involving MSRTC bus. Other objections, as to the judgment, can be considered at the time of final hearing of the appeal. However, at present, the claimant is certainly entitled for partial withdrawal of the awarded amount.

4. In that view of the matter, application is partly allowed. Applicant is permitted to withdraw 60% amount of compensation as deposited by respondent/MSRTC in pursuance to the award on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court that he shall re-deposit the amount, in case, adverse order is passed in appeal.

5. Civil application stands disposed of.

[S. G. CHAPALGAONKAR, J.]

HRJadhav