

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5248 OF 2025
IN FAST/28040/2024

Rajesh Shantappa Padnur And Anr

VERSUS

Maharashtra State Road Transport Corporation Through The
Divisional Controller

...

Advocate for Applicants : Mr. Prasanna Shankarrao Chavan
Advocate for Respondent : Mr. G.N. Tirthkar h/f Mr. D.S. Bagul

WITH

CIVIL APPLICATION NO. 11992 OF 2024
IN FAST/28040/2024

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : MAY 06, 2025

PER COURT :-

In Withdrawal Application :

1. Heard learned advocates appearing for respective parties.
2. The applicants seek permission to withdraw the amount deposited by respondent/corporation in pursuance to award passed under the provisions of Motor Vehicles Act.
3. Deceased Rohit aged about 17 years lost his life in accident involving bus of MSRTC. The Tribunal passed an award for Rs.11,43,100/- along with interest @ 6% p.a. Aggrieved MSTRC filed present appeal mainly on the ground of quantum. It is further submitted that deceased was a pillion rider on motorcycle along with

two others and rider of motorcycle was responsible for accident. As such, it is a case of composite negligence.

4. Having considered submissions advanced, it appears that death of Rohit is not disputed in accident involving the bus of respondent. The issue of composite negligence would not take away the right of claimants to receive compensation. The quantum of compensation may be decided at the time of final disposal of appeal. In this background, the claimants are certainly entitled for partial withdrawal of amount.

5. In result, following order is passed :

ORDER

- (i) Civil Application is partly allowed.
- (ii) The applicants are permitted to withdraw total amount of Rs.7,50,000/- on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.
- (iii) Balance amount be kept in fixed deposit of any nationalized bank till further orders.
- (iv) Civil Application stands disposed of.

In Stay Application :

6. Heard Mr. Bagul, learned advocate appearing for applicant.

7. Learned advocate appearing for applicant submits that entire amount as per award passed under appeal is deposited in this

Court. His statement is supported with office endorsement. In that view of the matter, civil application is allowed in terms of prayer clause (B) and disposed of.

In First Appeal :

8. Post the appeal for further consideration on 30.06.2025.

(S.G. CHAPALGAONKAR, J.)