



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

990 CIVIL APPLICATION NO. 7669 OF 2025  
IN FAST/2675/2025

KAMAL KRUSHNA PALLHAL AND ORS  
*VERSUS*  
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION  
THROUGH ITS DIVISIONAL CONTROLLER

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Advocate for Applicants in CA & for Respondents in FA : Mr.  
Deshmukh Mohit Ramesh Rao.  
Advocate for Respondent No.1 in CA & for Appellant in FA : Mr.  
D. S. Bagul.  
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CORAM : SHAILESH P. BRAHME, J.  
DATE : 01.08.2025

PER COURT :-

1. Heard both sides.
2. This application is for disbursement of the amount deposited by the respondent/Corporation which is to the tune of Rs.1,01,78,182/- plus statutory deposits of Rs.25,000/-. It was a death claim and for the reasons stated in the application, the disbursement is solicited.
3. Mr. Bagul, learned counsel for respondent/Corporation opposes the application. It is contended that there was delay of 28 days in lodging First Information Report. The deceased was riding motorcycle along with two persons. The quantum is

wrongly calculated to the extent of future prospects. It is further contended that there was no valid licence. He would further submit that the insurance company of the motorcycle has not been impleaded and the liability of the Corporation is not attracted.

4. I have considered rival submissions of the parties. Both the learned counsels have drawn my attention to the impugned judgment and order. The Tribunal has dealt with the aspect of delay in lodging FIR. The quantum of compensation is arrived at by presuming the age of the deceased to be 50 years. Contentious issues are involved in the matter. It would not be possible to arrive at particular conclusion at this juncture. For the limited extent of permitting the applicant to receive certain amount, I am of the view that *prima facie* case is made out by the applicants to receive part of the amount deposited in this Court. Interest of the justice would be subserved by permitting the applicants to receive 60% amount with accrued interest on furnishing undertaking.

5. Civil application for withdrawal is partly allowed by permitting the applicants to receive 60% on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. Balance amount shall be invested in the Nationalized Bank.

**In First Appeal**

7. **Admit.**

8. Learned counsel Mr. Deshmukh waives service of notice for original respondents/claimants.

9. Call for Record and Proceedings from the concerned Court.

10. The appellant shall remove the office objections till the next date.

**(SHAILESH P. BRAHME, J.)**

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vmk/-