



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 8351 OF 2025

IN FAST/31747/2023

Tatyaba Bhika Aher And Ors

VERSUS

The Divisional Controller And Anr

Mr. S. D. Jaybhar, Advocate for Applicants

Mr. M. D. Shinde. Advocate fpr Respondent No. 1

CORAM : R. M. JOSHI, J.

DATE : 07th August, 2025

PER COURT :-

1. This application is for withdrawal of the amount deposited by the applicant pursuant to the award passed by the Tribunal in MACP No. 186/2019.

2. Learned counsel for applicants submits that the applicants are entitled for entire amount of compensation as there is no dispute with regard to the entitlement.

3. Learned counsel for MSRTC opposes the said contention by submitting that the Tribunal has apparently committed error in accepting the income of the deceased who was aged about 65 years and was agriculturist. It is his submission that admittedly an agricultural field still exist for cultivation

to the LRs of deceased and in such circumstances, income of the deceased ought to have been considered to the extent of supervision only.

4. Having regard to the aforestated facts, the applicants have not made out the case for permitting him to withdraw 100 % compensation amount deposited in this Court. However, this is not the case wherein the claimants would not be entitled to receive any compensation, there is no impediment to permit withdrawal of 75% amount deposited by insurer.

5. Hence, following order :-

1. Applicants are permitted to withdraw 50% amount on usual undertaking.
2. In addition to this, applicants are permitted to withdraw 25% amount by submitting solvent surety/security.

6. Application is partly allowed in above terms.

(R. M. JOSHI, J.)

bsj