



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

953 CIVIL APPLICATION NO. 8249 OF 2025
IN FAST/4432/2025

RAJKOR MAHENDRA NARBHAVAR AND ORS

VERSUS

MAHARASHTRA STATE ROAD TRANSPORTATION CORPORATION, DHULE
AND ANR

...

Advocate for Applicant : Mr. Vidhan D. Khivesara h/f Mr. Ruchir Subodh
Wani

Advocate for Respondent no. 1 : Mr. Sahiba Kaur Neb h/f Mr. D.S. Bagul

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CORAM : SHAILESH P. BRAHME, J.

DATE : 05.08.2025

PER COURT :

Heard both the sides.

2. The applicants are seeking withdrawal of amount Rs. 16,95,763/- deposited by the respondent-Corporation in pursuance of the order passed by this Court, besides statutory deposits of Rs. 25,000/-. It is a death claim and the dependents, who are before this Court are in dire need of the amount. It is therefore submitted that entire amount be permitted to withdraw.

3. The learned advocate for the respondent-Corporation opposes the application on the ground that the Corporation is bound to succeed in the appeal because claim was bad for non joinder of necessary parties, the driver of the two-wheeler was not holding valid driving licence and he was under influence of liquor at the relevant time.

4. I have gone through the impugned judgment. It can not be

countenanced that the applicants are entitled to receive entire amount at this stage of the proceeding. However, it cannot be lost sight of the fact that a bread earner in the family died and requirement of the dependents cannot be said to be unreasonable. The contentious issues raised can be dealt with at the time of hearing of the appeal. The interest of justice would be subserved in permitting the applicants to receive 50% of the amount on undertaking and further 25% of the amount on furnishing security/surety.

5. Civil Application is allowed partly by permitting the applicants to withdraw 50% of the amount on furnishing undertaking and further 25% of the amount on furnishing surety/security to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank.

(SHAILESH P. BRAHME, J.)

mkd/-