



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

969 CIVIL APPLICATION NO. 8152 OF 2025
IN FA/1888/2025

MEERABAI GOVARDHAN MASKE AND ANR
VERSUS
THE DIVISIONAL CONTROLLER, MAHARASHTRA STATE ROAD
TRANSPORT CORPORATION, BEED

...
Mr. Shrikant Kulkarni, Advocate for Applicant
Mr. Narayan Chavan h/f. Mr. D. S. Bagul, Advocate for Respondent
...

CORAM : AJIT B. KADETHANKAR, J.
DATE : 19th SEPTEMBER 2025

PER COURT :-

1. Feeling aggrieved by the judgment and award dated 14.10.2024, passed by the learned Member, Motor Accident Claims Tribunal, Kaij, Dist. Beed in M.A.C.P No.140/2023, the MSRTC has preferred present First Appeal. The First Appeal is filed on two grounds :-

- i. The learned Tribunal has not appreciated evidence on record in order to correctly fix the liability of the accident on the point of negligence.
- ii. The learned Tribunal erred in holding the income of the deceased

on the higher side, in the absence of any prudent record.

2. Mr. Kulkarni, learned counsel for the applicants submits that the deceased was the sole breadwinner of the family, and the applicants have suffered irreparable loss due to his untimely death. Their entitlement is decided by the learned Tribunal by assessing the evidence. The applicants are in dire need of money and hence present Civil Application is filed by the applicants.

3. Mr. Chavan holding for Mr. Bagul, learned counsel for the MSRTC submits that there are strong hopes of success in the appeal and the appeal shall stand frustrated if the present Civil Application for withdrawal of the amount is allowed.

4. Upon having heard the parties at length, I find that the entitlement of the applicants is adjudicated by the learned Tribunal after examining the evidence on record and applying its judicial mind. It is undisputed that the deceased Satish, the sole breadwinner of the applicants, lost his life in the accident in question. The only issue is the quantum that is granted by the learned Tribunal. The awarded amount has been deposited by the respondent/MSRTC in this Court and is pending in the Bank. It is in nobody's interest that the said amount remains either in the Bank.

5. Hence, I pass the following order :-

ORDER

- a. Civil Application is partly allowed.
- b. Applicants are permitted to withdraw 50% of the amount deposited by the respondent/MSRTC in this Court, along with accrued interest, by furnishing usual undertaking and 25% of the amount by furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. Remaining amount shall be kept in a fixed deposit.
- d. With this, Civil Application stands disposed of in above terms.

[AJIT B. KADETHANKAR, J.]

PRW