



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

**CIVIL APPLICATION NO. 8453 OF 2025
IN
FIRST APPEAL STAMP NO. 4492 OF 2025**

Nikhil Gautamchand Jain and others .. Applicants

Versus

Divisional Controller, M.S.R.T.C.
and another .. Respondents

Shri Pramod C. Mayure, Advocate for the Applicants.
Shri Narayan Chavan, Advocate h/f Shri D. S. Bagul, Advocate
for the Respondent No. 1.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 08TH AUGUST, 2025.**

FINAL ORDER :

. Heard both sides. Applicants who are dependents of the deceased Gautamchand Jain have filed this application for receiving amount of Rs. 69,01,362/- deposited by the respondent No. 1/corporation in this Court, besides statutory deposit of Rs. 25,000/-.

2. Learned counsel for the applicants submits that applicant No. 4 – Pachidevi Champalal Jain is no more and her interest devolves amongst the surviving claimants. It is submitted that adequate evidence was there to award compensation.

3. Learned counsel for the respondent No. 1 submits that co-passengers traveling in the car have not been examined. The driver and the insurer of the car were not impleaded in the claim petition. The claim of the applicants becomes doubtful and the amount could not be disbursed.

4. I have considered rival submissions of the parties. Impugned judgment indicates that evidence was placed on record by the applicants and considering rival submissions compensation has been awarded. At this juncture contentious issues cannot be dealt with. I find it fit to disburse 75% of the amount deposited to the applicants.

5. The civil application is partly allowed by permitting the applicants to receive 50% of the amount deposited along with accrued interest by furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court and 25% of the amount deposited along with interest on submitting solvent surety/security. Balance amount shall be invested in any nationalized bank. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Aug. 25