



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

909 CIVIL APPLICATION NO. 2348 OF 2025
IN FAST/28244/2024

WITH

CIVIL APPLICATION NO. 11096 OF 2024
IN FAST/28244/2024

ASHOK PUNJARAM BHOKARE AND ORS

VERSUS

MAHASHTRA STATE ROAD TRANSPORT CORPORATION AND ANR

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Advocate for Applicants : Mr. Deshmukh Mohit Rameshrao
Advocate for Respondent No. 1 : Mr. Dnyaneshwar Suresh Bagul

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 28.02.2025

PER COURT :-

ORDER ON WITHDRAWAL APPLICATION :

1. Heard learned Advocates for respective parties.
2. Applicants are seeking permission to withdraw amount deposited by respondent as per award passed by MACT, Chhatrapati Sambhajnagar in MACP No. 708 of 2022.
3. Applicants had instituted claim under Section 166 of the Motor Vehicles Act seeking compensation towards death of Sangita Ashok Bhoksare i.e. wife of applicant No. 1 and mother of Claimant Nos. 2 & 3. It is contended that accident occurred due to fault of bus driver. Tribunal on appreciation of evidence accepted claim of the applicants and passed award for Rs.15,29,200/- along with interest @ 8 % p.a. Appellant MSRTC, Chhatrapati Sambhajnagar assailed award contending that in fact deceased jumped under rear wheel with intention to commit suicide and there is no fault on the part of bus driver. Tribunal has recorded finding that it was an accident and driver of the bus was responsible for

accident. In that view of the matter, it appears that applicant can be permitted to withdraw 60% of the compensation amount on furnishing usual undertaking to the satisfaction of Registrar, (Judicial) of this Court that they shall re-deposit amount in case an adverse order is passed against them in appeal.

4. Undertaking to be filed within four weeks from today.

5. Balance amount be invested in Fixed Deposit, in any nationalized bank, to be renewed from time to time till disposal of appeal.

ORDER IN APPEAL :

6. Heard.

7. **Admit.**

8. Print and paper book dispensed with.

ORDER ON STAY APPLICATION :

9. Heard Mr. Bagul, learned Advocate appearing for applicants. He submits that entire amount has been deposited with the registry of this Court. His statement is supported by the office endorsement. In that view of the matter, application stands allowed in terms of prayer Clause (C) and is disposed off.

**(S. G. CHAPALGAONKAR)
JUDGE**

mahajansb/