

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5250 OF 2025
IN FAST/33008/2024

Vithal Yamaji Paithane And Another
VERSUS
The Maharashtra State Road Transport And Ors

...
Advocate for Applicants : Mr. Gore Ravindra Vitthal
Advocate for Respondent No.1 : Mr. G.N. Tirthkar h/f Mr. D.S. Bagul

WITH
CIVIL APPLICATION NO. 453 OF 2025
IN FAST/33008/2024 WITH
CIVIL APPLICATION NO. 454 OF 2025
IN FAST/33008/2024

...
CORAM : S. G. CHAPALGAONKAR, J.

DATED : MAY 06, 2025

PER COURT :-

In Withdrawal Application :

1. Heard learned advocates appearing for respective parties.
2. The applicants/parents of deceased are seeking permission for withdrawal of amount deposited by respondent/corporation in pursuance to award dated 08.08.2024 passed in MACP No.66 of 2019.
3. Undisputedly, deceased Sagar lost his life in motor vehicular accident. The claim was instituted by his wife and minor daughter. Present applicants/parents were added as respondent nos.3 and 4. The MSRTC contested claim on the ground of contributory negligence and quantum. The Tribunal after evaluation of evidence

passed an award for Rs.19,03,400/- in favour of claimants and apportioned compensation amount. Claimant No.1 is held entitled for Rs.10,00,000/-. Claimant No.2 is held entitled for Rs.4,27,550/-. Whereas, applicants/parents (respondent nos.3 and 4) are held entitled for total amount of Rs.2,37,925/- each.

4. Considering the controversy raised in appeal, claimants are certainly entitled for withdrawal of amount. In result, following order is passed :

ORDER

- (i) Civil Application is partly allowed.
- (ii) The applicants (original respondent nos.3 and 4) are permitted to withdraw 60% of compensation amount along with accrued interest thereon to the extent of their share, as stipulated in Clause No.2(iii) of operative part of impugned order on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.
- (iii) Civil Application stands disposed of.

In Delay Application :

- 5. Heard learned advocate appearing for respective parties.
- 6. For the reasons as stated in the application, application is allowed. Delay of 5 days caused in filing appeal is condoned. Appeal be registered subject to removal of office objections.

7. On registration of appeal, **Admit.** Print and paperbook dispensed with. Mr. Gore, learned advocate waives notice for respondent nos.3 and 4.

In Stay Application :

8. Learned advocate appearing for applicant submits that entire amount as per award passed under appeal is deposited in this Court. His statement is supported with office endorsement. In that view of the matter, civil application is allowed in terms of prayer clause (C) and disposed of.

(S.G. CHAPALGAONKAR, J.)