



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 CIVIL APPLICATION NO. 395 OF 2025
IN FAST/16307/2024 (withdrawal of amount)

Damayanti Mahendra Vora And Anr

VERSUS

Maharashtra State Regional Transport Corporation And Anr

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Advocate for Applicant : Mr. G.N. Tirthkar h/f A.R. Kawade

Advocate for Respondents : Mr. D.S. Bagul

Mr. Shaikh Kayyum Najir advocate For R/2

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WITH

CIVIL APPLICATION NO. 6920 OF 2024 IN FAST/16307/2024
(Delay)

WITH

CIVIL APPLICATION NO. 6921 OF 2024 IN FAST/16307/2024 (stay)

Maharashtra State Regional Transport Corporation through
Divisional Controller

Versus

Damayanti Mahendra Vora And Anr

CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 16, 2025

ORDER :-

On Delay Application :-

1. Heard Mr. Bagul, learned advocate appearing for the applicant.
2. The applicant seeks to condone the delay of 81 days caused in filing the appeal.
3. Perusal of the application shows that delay is occurred on account of administrative reasons. The applicant has not derived any advantage by making delay. The reasons as stated

in the application makes out sufficient cause. In that view of the matter, application is **allowed**. Delay of 81 days caused in filing the appeal is condoned. CA stands disposed off.

4. Appeal be registered subject to removal of the office objections.

Stay application :-

5. Learned advocate appearing for the applicant submits that entire amount as per the Award passed by the Tribunal has been deposited with Registry of this Court.

6. Said statement is not controverted by the respondent.

7. In that view of the matter, civil application stands allowed in terms of prayer clause C and disposed off.

CA for withdrawal of amount.

8. Heard learned advocates appearing for the respective parties.

9. The applicants seeks permission to withdraw the amount deposited by the appellant in pursuance to the award dated 8.12.2023 passed by the M.A.C.T. Aurangabad in MACP No.768 of 2022.

10. Apparently, son of the applicant lost life in motor vehicular accident involving MSRTC Bus. The claimant instituted the claim under section 166 of the Motor Vehicles

Act. MSRTC put up defence of contributory negligence and quantum. The learned Tribunal, after evolution of the evidence on record passed the award for Rs.40,16,075/- alongwith the interest @ 7.5% p.a. in favour of the claimants. Aggrieved MSRTC filed this appeal assailing the award on the ground of quantum and negligence.

11. Perusal of the findings recorded by the Tribunal depict that Tribunal concluded sole negligence on the part of S.T. driver in accident. Income of the deceased is taken on the basis of income tax return, which were on record. There is no dispute as regards to accidental death of the deceased.

12. In that view of the matter, claimants are certainly entitled for partial withdrawal of the amount pending this appeal. Hence, following order.

ORDER

- i. The application is partly allowed.
- ii. The applicants are permitted to withdraw 50% of the amount deposited by the respondent-MSRTC with the Registry of this Court, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- iii. Civil application stands **disposed off**.

(S. G. CHAPALGAONKAR, J.)

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