

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

18 CIVIL APPLICATION NO. 394 OF 2025
IN FAST/25391/2024

JANABAI EKNATH UMBARKAR AND ORS
VERSUS
DIVISIONAL CONTROLLER MAHARASHTRA STATE ROAD
TRANSPORT CORPORATION

...
Advocate for Applicants : Mr. Kute Rajendra Laxmanrao
Advocate for Respondent (for MSRTC) : Mr. Dnyaneshwar S.
Bagul
...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : 14.01.2025

PER COURT :-

1. Heard Mr. Kute, learned Advocate appearing for the applicants/ original claimants and Mr. Bagul, learned Advocate appearing for respondent/ MSRTC. The applicants seeks permission to withdraw the amount deposited by MSRTC in pursuance to the award dated 28.02.2024 passed by the MACT, Sangamber in MACP No. 08 of 2019.

2. The respondent MSRTC assailed the award passed

by the tribunal, mainly on the ground of quantum of compensation and self negligence.

3. The tribunal after considering the defence of MSRTC, concluded that ST driver was sole responsible for accident and determined the dependency and entitlement of claimants to receive compensation amount under provisions of the Motor Vehicles Act.

4. Looking to the grounds raised in appeal, and reasoning as is given by the learned Tribunal, it is apparent that the entitlement of claimant to receive the compensation cannot be disputed, however, the issue as to quantum of compensation and negligence would require consideration in this appeal. The issue involved in the appeal is limited, hence there is no impediment to allow the claimants to withdraw 50% of the amount deposited with the Registry of this Court, alongwith interest accrued thereon. Hence the following order :

ORDER

- (i) The Civil Application is partly allowed.
- (ii) The applicants/ Original Claimants are

permitted to withdraw 50% of the amount deposited by Insurer with the Registry of this Court, in this appeal subject to furnishing of usual undertakings to the satisfaction of the Registrar, (Judicial) of this Court.

(iii) The undertakings to be submitted within four weeks from today.

(S. G. CHAPALGAONKAR)
JUDGE

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