



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CIVIL APPLICATION NO. 415 OF 2025
IN FA/173/2025

Walmik Mohan Sonawane And Anr

VERSUS

Bhushan Fakira Bhoinis And Anr

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Advocate for Applicant : Mr. Mayure Pramod C.

Advocate for Respondent 2 : Mr. G.N.Tirthkar h/f D.S. Bagul

CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 22, 2025

PER COURT :-

1. Heard learned advocates appearing for the respective parties.

2. The applicants are seeking permission to withdraw amount deposited by the respondent Corporation in pursuance to the Award dated 23.11.2023 passed by the MACT, Dhule in MACP No.1114 of 2014. The applicant/claimant had filed the claim under section 166 of the Motor Vehicles Act contending that he suffered injuries in motor vehicular accident dated 6.12.2014 due to rash and negligent driving on the part of S.T. driver. He contended that he suffered 100% loss of earning due to permanent disablement. The Tribunal after evolution of the pleadings and evidence partly allowed the claim and granted compensation of Rs.9,86,352/- alongwith interest @6% p.a. from the date of the accident.

3. The appellant M.S.R.T.C. assails the aforesaid award on the ground of quantum and negligence.

4. Apparently, there is no dispute as to the accident and injuries suffered by the claimant in the accident. Evidence of the doctor depicts that claimant suffered 50% permanent disability, however, Tribunal assessed loss of earning at the rate of 25% and worked out future loss of earnings to the tune of Rs.5,67,000/-. Amount towards future prospects is added @ 40% and medical bills are also added while working out the compensation. Considering the limited controversy in appeal, it would be justified if the claimants are permitted to withdraw 60% compensation amount deposited by the MSRTC subject to usual undertaking to the satisfaction of the Registrar (Judicial). In that view of the matter, the application is partly **allowed**. The claimants are permitted to withdraw 60% of the amount deposited by the MSRTC alongwith accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. Application stands **disposed of**.

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5. The appellant to file paper book containing pleadings and oral evidence of the witnesses recorded before the Tribunal within a period of six months. On aforesaid compliance, place the matter for final hearing at admission stage.

6. Print dispensed with.

(S. G. CHAPALGAONKAR, J.)

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