

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 797 OF 2025
IN FA/266/2025

Sachin Sudhakar Gaikwad

....Applicant

VERSUS

Divisional Controller Officer Maharashtra State Road Transport
Corporation

.....Respondent

.....

Advocate for Applicant : Mr. Shaikh Sohail Yusuf

Advocate for respondent : Mr. A.M. Pawar h/.f. Mr. B.S. Deshmukh.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 4th APRIL, 2025.

P.C. :-

1. Heard learned advocate for applicant.
2. Applicant seeks permission to withdraw the amount deposited by respondent – MSRTC in pursuance to award dated 4.9.2023 passed in Motor Accidents Claim Petition No. 281 of 2018 by Motor Accidents claim Tribunal, Shrirampur. The applicant suffered injuries in the accident that took place on 15.9.2018 on account of involvement of MSRTC bus. He suffered 40% disability. Hence, he lodged claim for compensation under Section 166 of the Motor Vehicles Act. The Tribunal, after evaluation of evidence, allowed the claim petition and awarded compensation of Rs. 9.07,630/- alongwith interest @ 6% p.a.
3. Aggrieved MSRTC filed this appeal raising objection to the quantum of compensation. Looking to the reasoning adopted by Tribunal and grounds of appeal, it can be observed that applicant is entitled for compensation. So far as the objection to the assessment of compensation, same be considered at the time of final hearing of the

appeal. However, at present, applicant can be permitted to withdraw partial amount. Hence, following order :-

O R D E R

- [i] The application is partly allowed;
- [ii] The applicant is permitted to withdraw 60% of the compensation amount deposited by respondent MSRTC alongwith interest accrued thereon subject to condition that the applicant files an undertaking to the satisfaction of Registrar (Judicial) of this court that in case any adverse order being passed, the applicant shall re-deposit the amount within a period of eight weeks of passing such an order.
- [iv] Rest of the amount be deposited in a fixed deposit in any nationalized bank, with renewal clause, till disposal of appeal.
- [v] Application is accordingly disposed of.

[S.G. CHAPALGAONKAR, J]

grt/-