



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 1597 OF 2025
IN FA/2720/2024**

SAKHARBAI RATILAL PATIL

VERSUS

**MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION AND ORS**

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Advocate for Applicant : Mr. Shrikant Subhash Patil
Advocate for Respondent No.1 : Mr. Narayan Y. Chavan h/f Mr. Bagul
Dnyaneshwar Suresh

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CORAM : SHAILESH P. BRAHME, J.

DATE : 10th JUNE 2025

PER COURT :

1. Applicant No.1 who is original claimant and mother of the deceased, is seeking permission to withdraw the amount to the extend of her share. Respondent No.1 has preferred First Appeal, challenging judgment and award of Rs. 15, 05, 000/- alongwith interest @ 7% per annum. While granting stay to the execution and operation of the impugned award, this Court directed Respondent No.1 to deposit entire amount. Accordingly on 17.08.2024, amount of Rs.17,94,332/- was deposited.

2. Mr. S.S. Patil learned Counsel for the Applicant submits that the Applicant was allotted Rs.3,00,000/-. Considering the amount deposited by the Respondent No.1, presently she is entitled to Rs.3,60,000/- inclusive of the interest. Other Respondents are not appearing in the matter and the Applicant is in need of money.

3. Learned Counsel Mr. Chavan for the Respondent No.1 would submit that it would be risky to disburse the amount to the Applicant. Respondent No.1 is not liable for the payment of compensation.

4. Respondent No.1 has deposited Rs.17,94,332/-. Respondent Nos. 2 to 4 did not appear in the matter, despite due service. Applicant is entitled to receive Rs.3,00,000/- as per impugned award. Her share comes to Rs.3,60,000/- out of the amount deposited by the Respondent No.1. In that view of the matter, the interest of the justice would be sub-served by permitting the Applicant to withdraw Rs.2,50,000/-.

5. Civil Application is allowed partly.

6. The amount of Rs.2,50,000/- shall be transmitted to the Motor Accident Claim Tribunal, Dhule and shall be disbursed to the Applicant by securing undertaking.

7. Applicant shall place on record the undertaking furnished to the Tribunal.

SHAILESH P BRAHME
JUDGE