

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3964 OF 2025
IN FAST/33043/2024

Gyansing Pratap Pawara

VERSUS

MSRTC Through Divisional Controller Dhule And Anr

...

Advocate for Applicant : Mr. Amol Sudam Mali

Advocate for Respondent No.1 : Mr. D.S. Bagul

...

CORAM : S.G. CHAPALGAONKAR, J.

DATED : APRIL 30, 2025

PER COURT :

1. Heard learned advocate appearing for respective parties.
2. The applicant suffered injuries in motor vehicular accident involving MSRTC Bus. He filed claim for compensation under Section 166 of Motor Vehicles Act contending that, he suffered permanent disablement and lost his earning capacity. MSRTC refuted applicant's claim on various grounds including defence of contributory negligence and quantum. The Tribunal on evaluation of evidence, allowed claim petition and directed respondent/corporation to pay compensation of Rs.4,23,900/- along with interest @ 9% p.a. Aggrieved MSRTC filed this appeal carrying forward its defence.
3. Perused the application and impugned judgment passed by the Tribunal. Undisputedly, applicant suffered injuries in motor vehicular accident involving MSRTC bus. The Tribunal recorded

finding of sole negligence against S.T. Driver and found that claimant suffered 27% permanent disability. Eventually assessed the compensation towards future loss and added the compensation amount towards medical expenses and non-pecuniary heads. In this background, entitlement of claimant to receive compensation cannot be disputed. As such, considering the grounds of appeal, following order is passed :

ORDER

- (i) Application is partly allowed.
- (ii) Applicant is permitted to withdraw 60% from the amount deposited by respondent/corporation along with accrued interest thereon subject to condition that he files an undertaking to the satisfaction of Registrar (Judicial) of this Court that, in case, adverse order is passed in appeal, he shall re-deposit the amount withdrawn.
- (iii) Undertaking to be filed within eight weeks from today and be made part of appeal compilation.
- (iv) Application stands disposed of.

(S.G. CHAPALGAONKAR, J.)