



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

**CIVIL APPLICATION NO. 4447 OF 2025
IN FA/574/2025**

**ARCHANA AMOL KENDHALE AND ORS
VERSUS
THE MAHARASHTRA STATE ROAD AND ANR**

...

Mr. Ravindra Vitthal Gore, Advocate for Applicants.

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

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 25th APRIL, 2025.**

P.C.:-

1. Heard learned Advocates appearing for respective parties.
2. The applicants are seeking permission to withdraw amount deposited by respondent/Corporation in pursuance to award dated 29.07.2024 passed in M.A.C.P. No.163/2020.
3. The applicants instituted claim under Section 166 of Motor Vehicle Act seeking compensation towards death of Amol Kailas Kendhale in motor vehicular accident. It is their contention that on 27.10.2020 while Amol was proceeding on his motorcycle, it was dashed by Bus owned by MSRTC.
4. The respondent/Corporation contested claim stating that there is delay in lodging FIR and there was no accident involving bus.
5. The Tribunal considering aforesaid defence and relying upon police papers, recorded finding in favour of claimants.

6. In that view of the matter, *prima facie*, applicants have made out case for partial withdrawal of amount. Hence, following order:

ORDER

- a. Civil Application is partly allowed.
- b. The applicant nos.1 and 3 are permitted to withdraw 70% amount alongwith accrued interest thereon falling to their shares as per apportionment made by Tribunal.
- c. Balance of the amount be kept in Fixed Deposits in any Nationalized Bank till further orders.
- d. The aforesaid withdrawal shall be subject to filing of usual undertaking to the satisfaction of Registrar (Judicial) of this Court that they shall redeposit amount in case adverse order is passed in Appeal. The undertaking to be filed within a period of eight weeks from today and it shall be made part of Appeal compilation.

(S. G. CHAPALGAONKAR)
JUDGE