



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

**CIVIL APPLICATION NO. 10456 OF 2025
IN FAST/13296/2025**

Digambar Pandurang Gawale

VERSUS

The Divisional Controller, Msrtc, Gangakhed Road, Parbhani

...

Mr. A. A. Khande, Advocate for Applicants

Mr. Narayan Chavan h/f Mr. D. S. Bagul, Advocate for
Respondent

...

WITH

CIVIL APPLICATION NO. 5090 OF 2025 IN FAST/13296/2025

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CORAM : AJIT B. KADETHANKAR.

DATED : 24TH SEPTEMBER, 2025

ORDER :-

1. Feeling aggrieved by the judgment and award dated 07.12.2024, passed by the learned Member, Motor Accident Claims Tribunal, Parbhani in M.A.C.P. No.307 of 2023, the original respondent/M.S.R.T.C. has lodged the present First Appeal.

2. Mr. Narayan Chavan h/f Mr. D. S. Bagul, learned Advocate for the present respondent/M.S.R.T.C. submits that pursuant to the order passed by this Court while securing stay to the impugned judgment and award in the First Appeal, the

appellant/M.S.R.T.C. has deposited deposited the entire awarded amount in this Court together with accrued interest thereon.

3. In view of this, present Civil Application is filed by the claimants seeking withdrawal of the deposited amount.

4. Mr. A. A. Khande, learned Advocate for the claimants/applicants submit that the entitlement of the claimant to the granted award amount has been decided by the learned Tribunal after assessing the evidence on record and also by examining facts of the case. The applicants submit that the defence raised by the M.S.R.T.C. in the present appeal was same which was placed into service by them in the trial also. Mr. Khande, learned Advocate would further submit that only after considering that defence, the learned Tribunal has passed the impugned judgment and award. With this, Mr. Khande, learned Advocate prays for withdrawal of the deposited amount

5. Mr. Narayan Chavan, learned Advocate for the appellant would however opposes this Civil Application contending that there is serious issue of excess quantum in the

First Appeal. He would further submit that the deceased was a lady aged 70 years and therefore, the learned Tribunal ought not to have passed the award whereby such amount of Rs.5,09,000/- has been granted as compensation.

6. Having heard both the parties, I find that the entitlement of the applicants had adjudged by the learned Tribunal after assessing facts of the case as well as the evidence on record. Today the award stands in favour of the claimants/applicants since the appeal is pending. The appellant has every legitimate opportunity to demonstrate how the learned Tribunal has erred in passing the award.

7. In view of the above, I pass following order:

ORDER

- a. Civil Application stands partly allowed.
- b. Applicants are permitted to withdraw Rs.325000/- together with accrued interest thereon by furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. Civil Application stands disposed of.

FIRST APPEAL ST. NO.13296 OF 2025

. Mr. Narayan Chavan learned Advocate for the appellant seeks two weeks more time to remove the office objections.

2. Time is granted to remove all the office objections.

3. The appellant to remove all office objections within two weeks from today.

4. It reveals that by an order dated 15.09.2025, the delay caused in the present First Appeal is already condoned and directions were given to the Registry to register the appeal. Notice was issued to the respondents and matter was directed to be listed after service of notice is completed. Today Mr. A. A. Khande, learned Advocate marks his presence for the applicants/claimants. In view of this, service is complete.

5. Both the parties showed their inclination to settle the matter amicably.

6. In view of that, place this matter on 19.11.2025. In the meantime the parties to make their every endeavour to settle the matter.

(AJIT B. KADETHANKAR, J.)