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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.11178 OF 2025
IN
FIRST APPEAL NO.750 OF 2018

Rudra Pratap Singh Punit Dogra
son of the deceased

.. Applicant/Petitioner

Versus

Maharashtra State Road Transport
Corporation

.. Respondents

Mr. Varsha Chavan, Advocates for the Applicant.

***Mr. Pinky Bhansali with Mr. G. S. Hegde, Senior Advocate,
for the Original Appellant.***

**CORAM: B. P. COLABAWALLA &
AMIT S. JAMSANDEKAR, JJ.**

DATE: OCTOBER 17, 2025

P. C.

1. The above Interim Application is filed by the Applicant (Original Claimant No.2-Rudra Pratap Singh Punit Dogra) for withdrawal of an amount of Rs.30,00,000/- deposited by the Appellant MSRTC in the above Appeal. The Applicant is the son of the deceased Punit Dogra.

2. The above Appeal has been filed challenging the judgment and order passed by the Motor Accident Claims Tribunal in Motor Accident

Application No.2103 of 2010. The impugned judgment and order is dated 7th July 2017. By the impugned order, MSRTC was directed to pay a sum of Rs.96,13,000/- inclusive of the “No Fault Liability” (“**NFL**”) to the Claimants along with interest @7.5 p.a. from the date of the application till realization. It is this judgment and order that is impugned in the above Appeal.

3. To seek a stay of the operation of the impugned judgment and order, MSRTC filed Civil Application No.4227 of 2017. In that Civil Application, a statement was recorded on behalf of MSRTC (the Appellant) that it was ready and willing to deposit the amount of compensation in the Trial Court within eight weeks. Accordingly, Civil Application No.4227 of 2017 was disposed of by order dated 5th January 2018. The said order recorded that on the condition that MSRTC deposit the entire amount of compensation with interest and costs in the Trial Court, the execution of the impugned judgment and order would be stayed. In the very same order, even though the Original Claimants were not represented, this Court allowed Claimant Nos.1, 3 and 4 to withdraw certain amounts deposited by the MSRTC without furnishing any security, the details of which are as under:-

- (a) Smt. Radhika Punit Dogra-Claimant No.1 -
20% of the decretal amount [In the title of Petition

name of Smt Radhika Punit Dogra is written as
“Aradhika Punit Dogra”].

(b) Mr. Pratap Singh Raghuveer Singh Dogra-
Claimant No.3 - 10% of decretal amount.

(c) Mrs. Aruna Pratap Singh Dogra-Claimant
No.4 - 10% of decretal amount.

4. There was no order permitting Claimant No.2 (the Applicant herein) from withdrawing any amount because at that time, he was a minor. However, liberty was granted to the Claimants to prefer an appropriate application, if they so desire, for withdrawal of the further amounts and which was to be decided on its own merits. It is pursuant to this liberty that the Applicant (Original Claimant No.2) has preferred the present application.

5. The learned advocate appearing on behalf of the MSRTC (The Appellant) vehemently opposed the above Interim Application. She submitted that pursuant to the order dated 5th January 2018, Claimant Nos.1, 3 and 4 have already withdrawn a sum of approximately Rs.38,25,000/-. This obviously took into account even the share of the minor. Once this is the

case, no further amount ought to be allowed to be withdrawn by the Applicant.

6. We have heard the learned counsel for the parties. We have also perused the papers and proceedings in the above Interim Application as well as the above Appeal.

7. It is not in dispute that pursuant to the order dated 5th January 2018, MSRTC has deposited with the Trial Court an amount of Rs.1,46,46,619/-. Out of this amount, Claimant Nos.1, 3 and 4 have withdrawn approximately Rs.38,25,000/-. Considering that Claimant No.2 has now turned major and requires money for his education, we are of the view that interest of justice would be served, if the Applicant (Claimant No.2) is permitted to withdraw 10% of the decretal amount deposited with the Trial Court without furnishing any security, but on furnishing an undertaking that in the event the above Appeal succeeds, he shall bring back the aforesaid amount, or any part thereof, together with interest at such rate as this Court may decide at the hearing of the Appeal.

8. As far as the opposition of MSRTC is concerned, we find no merit in the same. We do not find from the order passed on 5th January 2018 that

any amount was withdrawn on behalf of the Original Claimant No.2 (the Applicant herein). This apart, that very order granted liberty to the Claimants to apply for withdrawal of further amounts, if need be. Considering that Claimant No.2 (the Applicant) has turned major and requires this money for his education, we are of the view that the Applicant has made out a case for withdrawal of further amounts.

9. In view of the foregoing discussion, we pass the following order:-

a) The Applicant is permitted to withdraw 10% of Rs.1,46,46,619/- without furnishing any security, but on furnishing an undertaking to the Trial Court that in the event the above Appeal succeeds, he shall bring back the aforesaid amount, or any part thereof, together with interest at such rate as this Court may decide at the hearing and final disposal of the Appeal.

b) The amounts mentioned above shall be released to the Applicant only once the aforesaid undertaking is furnished to the Trial Court.

10. The above Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

11. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by fax
or email of a digitally signed copy of this order.

[AMIT S. JAMSANDEKAR, J.]

[B. P. COLABAWALLA, J.]