



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO.2600 OF 2024

IN

FIRST APPEAL NO.836 OF 2022

MAHA. STATE ROAD TRANSPORT CORP. LTD., THR. DIVISIONAL
CONTROLLER, AMRAVATI

VS

VILAS NAMDEORAO KAMBLE AND ANOTHER

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. S.R. Charpe, Advocate for the appellant/s
Mr. S.S. Patil, Advocate for the respondent No.1

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 21st January, 2025

1. Heard rival submissions.
2. The respondent No.1 -a and 1-b, being the legal representatives of original claimant No.1, have filed this application for withdrawal of entire amount of compensation along with interest, deposited by the appellant/MSRTC.
3. The learned counsel for the appellant/MSRTC opposed the application on the ground that the deceased himself was negligent at the time of accident and therefore, MSRTC is not liable for paying any compensation.
4. However, it appears that the learned Tribunal has already discarded such plea taken by the appellant/MSRTC in respect of alleged negligence.
5. Under such circumstances, the respondent Nos.1 -a and 1-b, at this juncture, are permitted to withdraw

50 % of deposited amount of the compensation along with proportionate interest accrued thereon till date on the satisfaction of the Registrar (Judicial) of this Court.

6. The remaining amount be invested in FDR in any Nationalized Bank on yearly renewal basis during the pendency of this appeal.

7. The application is **disposed of**.

(SANDIPKUMAR C. MORE, J.)