



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

97 CIVIL APPLICATION NO. 3770 OF 2026

IN FAST/79/2026

VIMAL DIGAMBAR GHODAKE

VERSUS

ANANDA BHUJANG KENDRE

WITH CIVIL APPLICATION NO. 831 OF 2026

IN FAST/79/2026 WITH

CIVIL APPLICATION NO. 832 OF 2026

IN FAST/79/2026

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Advocate for Applicant : Mr. Shashikant Eknath Shekade.

Advocate for Respondent No.2 : Mr. Anilkumar B. Dhongade.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 02.04.2026

PER COURT :-

1. Heard both the sides.
2. Applicant seeks to condone delay of 90 days in preferring first appeal.
3. The contents of the application have gone uncontroverted. There is no reason to infer any malafides on the part of the applicant. The delay stands condone.
4. Civil application is allowed.

Civil Application for Withdrawal

5. Applicants seek to withdraw amount of Rs.34,19,015/- deposited by the respondent/MSRTC for the reasons stated in the application.

6. It is submitted that it is a death claim and the claimants are in dire need of money. Towards the contributory negligence already deductions are made. The compensation awarded by the MSRTC is reasonable and adequate. Hence, learned counsel for the applicant seeks to withdraw entire amount.

7. Application is contested by the respondents. It is submitted that the claimants are unable to prove the income. The compensation is awarded on the basis of conjunction and surmises.

8. I have considered rival submissions of the parties. It is undisputed that the claimants are the defendants and entitled to receive money, albeit not in entirety at this juncture. I find that ends of the justice would be met in permitting the applicants to receive 75% of the amount with accrued interest.

9. Civil application for withdrawal is allowed partly by permitting the applicants to receive 75% of the amount with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial). The balance amount shall be invested in any nationalized bank.

First Appeal

10. **Admit.**

11. Learned counsel Mr. Shekade waives service of notice for respondents/claimants.

12. Call for Record and Proceedings from the concerned Court.

13. Print is dispensed with.

Civil Application for Stay

14. As the entire amount has been deposited in pursuance of the earlier order, ad-interim relief granted earlier shall stand confirmed.

15. Civil application is disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-