



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

**904 CIVIL APPLICATION NO. 3451 OF 2026
IN FA/1361/2010**

TRIVENI SHAM KANADE AND ORS.

....Applicants

VERSUS

**THE DIVISIONAL CONTROLLER MSRTC, SARJEPURA,
AHMEDNAGAR.**

.....Respondent

Mr. A. S. Gandhi, Advocate for the Applicants

Mr. Manoj Shinde, Advocate for the Respondent No.1

CORAM : ABHAY J. MANTRI, J.

DATE : 23rd APRIL, 2026

PER COURT :

1. Heard the learned Advocate for the Applicants/original claimant Nos. 1 to 4 and perused the order passed by the panel of the Lok Adalat dated 01-12-2024, as well as the judgment and order of the learned Tribunal dated 16-04-2007 and record and also perused the order dated 21-04-2025 passed by this court in First Appeal No. 1361/2010.

2. It appears that the learned Tribunal allowed the Petition and directed the Opponent Nos. 1 and 2 to pay the compensation of Rs. 10,10,000/- along with interest thereon to the original claimants. The MSRTC, Respondent, in the Motor Accident Claim Petition No. 20/2025, has preferred this First Appeal No. 1361/2010 against the

judgment and order dated 16-04-2007 passed by the learned Tribunal. During the pendency of the said appeal, the matter has been settled between the parties before the Lok Adalat on 01-12-2024. Accordingly, the MSRTC has deposited the amount as per the award in the Court. Therefore, the applicants, being legal representatives of the deceased, Sham Kanade, have filed this Application seeking permission to withdraw the amount deposited by the MSRTC.

3. In response, the learned Advocate for the MSRTC has given no objection to permit them to withdraw the amount.

4. It further appears that during the pendency of the Appeal, the legal representative, i.e. son of the deceased, namely Ganesh, died on 16-12-2016. The death certificate dated 20-11-2019 is produced on record. Similarly, daughter Kalyani got married to Ganesh Jorvekar. Accordingly, the Applicants have produced the gazette notification and the Aadhar card on record to demonstrate the change in the name of the Applicant, Kalyani.

5. It also appears that neither the learned Tribunal nor the Panel of the Lok Adalat have passed an order for an apportionment of the said compensation amount. Therefore, in my view, while granting permission to withdraw the amount, it would be appropriate to apportion it. As such, I deem it appropriate to grant compensation to

the Applicant No.1 /Triveni-Widow of the deceased, Sagar, son and Kalyani, daughter, as under:

6. *The Applicant No.1 is entitled to get 60% of the compensation amount along with accrued interest thereon, and Applicant Nos. 3 and 4 are entitled to get 20% each of the compensation amount with accrued interest thereon, respectively.*

7. As such, the Application is allowed in the above terms.

8. Learned Registrar (J) is directed to transmit the amount as apportioned above in the bank accounts of respective Claimants/Applicants along with accrued interest thereon within a period of four weeks on the applicant furnishing their bank account details to the Registry.

9. The Application is disposed of.

[ABHAY J. MANTRI, J.]