



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

**903 CIVIL APPLICATION NO. 4498 OF 2026
IN FA/1401/2007**

JIJABAI SANJAY KOLPE AND ORS.

....Applicant

VERSUS

**THE DIVISIONAL CONTROLLER MAHARASHTRA STATE
ROAD TRANSPORT CORPORATION SARJEPURA
AHMEDNAGAR.**

.....Respondent

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

CORAM : ABHAY J. MANTRI, J.

DATE : 30th APRIL, 2026

PER COURT :

1. The Applicants/original claimants have filed this Application to permit them to withdraw the amount of compensation along with interest thereon and permit them to withdraw the amount in the name of Yogesh instead of Akash as per the Award.

2. Learned Advocate for the Applicants submitted that during the pendency of the Appeal, the matter has been settled between the Applicants and the Respondents before the Panel of the Lok-Adalat on 10-05-2025. Accordingly, the Respondents, i.e. MSRTC, have deposited the entire amount in the Court. However, the office has raised an objection regarding the name of Applicant No. 2,

as it is mentioned as Akash. However, on perusal of the judgment and order passed by the learned Tribunal, it appears that the name of Claimant No. 2 is mentioned as Yogesh, not Akash. Similarly, it appears from the record that the MSRTC initially filed the Appeal naming Respondent No. 2/Claimant No. 2 as Akash. However, the office raised an objection regarding the discrepancy in the name of Claimant No. 2. Accordingly, the Appellant corrected the said name as Yogesh instead of Akash, thereby removing the office objection. The Above facts themselves indicate that the name of Claimant No.2 was mentioned as Yogesh and not as Akash in the Appeal memo as well as in the Judgment and Award of the Tribunal; however, the learned Advocate for the Applicants, while filing the Application before the learned Registrar [J] for withdrawal of the amount, attached the copy of the uncorrected /unamended Appeal memo. Therefore, confusion arose before the Registry regarding the name of the Applicant No. 2, and therefore, the Registry has objected to the Applicant No. 2's withdrawal of the amount. As such, he has filed an Application.

3. It also appears that neither panel of the Lok-Adalat nor the learned Tribunal have apportioned the amount amongst the Applicants /Original Claimants. Therefore, in my view, while

disbursing the said amount, the same is required to be apportioned. The learned Advocate for the Applicants undertakes to deposit the deficit Court fees, if any, within a period of four weeks from today. Hence, the following order is passed :

ORDER

- a] The Application is allowed.
- b] The Applicant No.1, who is the widow of the deceased, is entitled to 60% of the amount of compensation along with accrued interest thereon, and Applicant Nos. 2 and 3 are entitled to 20% of the compensation amount each along with accrued interest thereon.
- c] Having considered the fact that the name of Applicant No.2 is recorded in the judgment and Award as well as in the Appeal memo as Yogesh, there is no need to correct the name. As such, Applicant No. 2 is permitted to withdraw the amount in the name of Yogesh.
- d] The learned Registrar [J] is directed to transmit the amount as apportioned in clause 'b' above in the bank accounts of the respective Applicants/claimants within a period of six weeks on their furnishing bank account details to the Registry.

[ABHAY J. MANTRI, J.]