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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 123 OF 2026
IN
FIRST APPEAL NO. 1629 OF 2025

Chhaya Babaso Bharati And Anr. ...Applicants
In the matter between
Maharashtra State Road Transport, Sangli ... Appellant
Vs.
Chhaya Babaso Bharati And Ors. ...Respondents

WITH
INTERIM APPLICATION NO. 10982 OF 2025
IN
FIRST APPEAL NO. 1629 OF 2025

Maharashtra State Road Transport, Sangli ...Applicant
In the matter between
Maharashtra State Road Transport, Sangli ... Appellant
Vs.
Chhaya Babaso Bharati And Ors. ...Respondents

Mr. Dhananjayrao a/w. Shubham for Respondent – MSRT in
IA/123/2026 and for Applicant in IA/10982/2025.

Mr. Shantanu Gurav i/b. Pratik Jadhav for Respondent No.3 in FA.

CORAM : M.M. SATHAYE, J.

DATE : 11th MARCH, 2026

P.C. :

1. Heard learned counsel for the parties.
2. IA/123/2026 is filed by the Claimants for withdrawal of the amount deposited by the Appellant MSRT with the concerned

Tribunal.

3. IA/10982/2025 is filed for interim stay of the impugned Judgment and Award.

4. The Claimants are praying for withdrawal of entire amount during pendency of the appeal, on the ground that the Applicants are parents of the deceased who are in need of the money.

5. Learned counsel for the Appellant MSRT contended that the evidence of the bus driver indicates that the motor-cycle being driven by the deceased had come to the left side of the bus during accident; however, contributory negligence of only 10% is applied by the Tribunal. It is submitted that it is much on lower side and it is only because of deceased's fault that the accident has taken place.

6. Perused the impugned Judgment. It appears that the deduction towards contributory negligence is 10%. Considering the submissions and what is observed in paragraph No.9 of the impugned Judgment, in my view, the Applicant can be permitted to withdraw 25% of the deposited amount upon filing usual undertaking.

7. In that view of the matter, **both the above interim applications are disposed of** by passing following order :

(a) Subject to the Applicants' filing usual undertaking in the concerned Tribunal, stating that the withdrawn money shall be subject to final outcome of appeal and withdrawn money will be brought back with interest as may be directed by the Court, the

Applicants together are permitted to withdraw 25% of the deposited in the Court with accrued interest if any.

(b) Remaining amount shall be invested as per prevailing practice.

(c) The impugned Judgment and Award dated 24.09.2024 passed by Motor Accident Claims Tribunal, Sangli in M.A.C.P. No.180 of 2020 shall remain stayed during pendency of appeal.

(M.M. SATHAYE, J.)