

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 282 OF 2026
IN
FIRST APPEAL NO. 1018 OF 2024

Nathu Shivram Jagtap (deceased deleted) & Anr ...Applicants

IN THE MATTER BETWEEN

Divisional Controller, Maharashtra State Road ...Appellants
Transport Corporation & Ors

Versus

Nathu Shivram Jagtap (deceased deleted) & Anr ...Respondents

Mr Pritesh Bohade, for the Applicant.
Mr DD Rananaware, for the Appellant.

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CORAM: R. M. JOSHI, J.

DATED: 14TH JANUARY 2026

PC:-

1. This Application is for withdrawal of amount of compensation deposited by the Appellant before this Court pursuant to the order passed by this Court dated 4th January 2024 passed in MACP No. 1087 of 2018.

2. Learned counsel fo the Applicant/original Claimant submits that the deceased was the occupier of one of the vehicle involved

in the accident and in that event, the deceased cannot be held responsible for the occurrence thereof.

3. Learned counsel for the Appellant submits that on permitting the entire amount to be withdrawn, the Appeal shall become infructuous.

4. It is not the case that any negligence can be attributed to the deceased in occurrence of the accident, since he was a passenger in one of the vehicles involved in the accident. In such circumstances, no negligence can be attributed to the deceased. consequently, the amount of compensation would not get reduce in any manner whatsoever. Apart from that in case of composite negligence, there is no question of apportionment and, hence, the Applicant is entitled for withdrawal of entire amount.

5. In view of the same, following order.

ORDER

- a) The Application is allowed.
- b) The Appellant/Original Claimant is permitted to withdraw entire amount, out of which, 50% amount along with accrued interest thereon on usual undertaking and remaining 50% on one surety.
- c) Application stands disposed of accordingly.

(R. M. JOSHI, J.)