

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

945 CIVIL APPLICATION NO.3880 OF 2022
IN FA/1988/2021

ASHA YUVARAJ DHUMAL AND OTHERS
VERSUS
THE DIV. CONTROLLER, M.S.R.T.C., AHMEDNAGAR

...
Advocate for Applicants : Mr. Devakate Anant R
Advocate for Respondent – sole : Mr. A. D. Wange
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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 30.08.2022

PER COURT :

- . Leave to correct the application as per the office note forthwith.
2. Heard rival submission. The learned counsel for the applicants – original claimants submits that at least 75 % of the deposited amount of compensation be permitted to be withdrawn by the applicants. However, the learned counsel for respondent – MSRTC strongly opposed the same on the ground that the learned Tribunal has already awarded excessive compensation ignoring the fact that the deceased was only an agriculturist.
3. It is not disputed that the respondent- MSRTC has deposited amount of Rs. 29,41,912/- as per order dtd. 21.10.2021. Though the

learned counsel for the applicants – claimants disputed the said amount on the ground that interest amount is not properly calculated by the respondent – MSRTC, but it can be worked out later on also. At present, I am of the opinion that amount of Rs. 20,00,000/- can be allowed to be withdrawn by the applicants – claimants. Hence, the applicants are permitted to withdraw the amount of Rs. 20,00,000/- to be apportioned in following manner :-

(i) The applicant No.1 - Asha Yuvraj Dhumal, who is the wife of deceased is allowed to withdraw the amount of Rs.10,00,000/-. Similarly, the amount of Rs. 3,00,000/- each be paid to applicant No.2 Sanjivani and applicant No.3 Dnyaneshwar. However, the remaining amount of Rs. 4,00,000/- be kept in F.D.R. in any Nationalized Bank in the name of applicant No.4 Vaishnavi d/o Yuvraj Dhumal till she attains majority. After she attains majority the aforesaid amount be paid to her without reference to this Court.

(ii) The balance deposited amount be kept in F.D.R. in any Nationalized Bank during pendency of this appeal. Accordingly, the application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-