

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

921 CIVIL APPLICATION NO.4898 OF 2022
IN FA/2456/2021

SONALI SATISH GHUMRE AND ORS
VERSUS
M.S.R.T.C., THR ITS DIV. CONTROLLER, BEED AND ANR

Mr S.R. Shirsat, Advocate for applicants
Mr A.D. Wange, Advocate for respondent no.1

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 31st March, 2022

PER COURT :

1. It is an application for withdrawal of compensation amount moved by the original claimants.
2. Heard Mr S.R. Shirsat, learned Advocate for applicants and Mr A.D. Wange, learned Advocate for respondent no.1. Perused the impugned judgment and award passed by the Member, M.A.C.T., Beed in M.A.C.P.no.190 of 2017 dated 5.12.2019.
3. The appellant/M.S.R.T.C. has challenged the impugned judgment mainly on the ground of contributory negligence. On perusal of the findings recorded by the tribunal, it is prima facie revealed that the bus of M.S.R.T.C. went to extreme wrong side and gave dash to the motorcycle of the deceased and caused the accident. The deceased sustained severe injuries and died on the spot. Looking to the defence raised by the M.S.R.T.C., I am of the view that the applicants/claimants can be allowed to withdraw 75% of the amount of compensation having regard to the peculiar facts of the case.

ORDER

The Civil Application is hereby allowed as under :

- (i) The applicants/original claimants are permitted to withdraw 75% of the amount of compensation on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.
- (ii) The remaining 25% amount of compensation be kept in fixed deposit in any nationalised Bank for a period of one year with renewal clause.
- (iii) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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