

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

**(Sr. No. 47) INTERIM APPLICATION NO. 1232 OF 2026
WITH
INTERIM APPLICATION NO. 10980 OF 2025 (STAY)
IN
FIRST APPEAL NO. 1630 OF 2025**

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Mohabbat Ilahi Khalif and Ors. ... Applicants

Vs.

The Divisional Manager, Maharashtra State Road ... Respondent
Transport Corporation

**ALONG WITH
(Sr. No.48) INTERIM APPLICATION NO. 1233 OF 2026
WITH
INTERIM APPLICATION NO. 10978 OF 2025 (STAY)
IN
FIRST APPEAL NO. 1628 OF 2025**

Rupali Dhondiram Kothawale and Anr. ... Applicants

Vs.

The Divisional Manager, Maharashtra State Road ... Respondent
Transport Corporation

.....

Mr. Umesh Pawar for the Applicants

Mr. Dhananjay Rananaware a/w Samarth Chavan, Shubham Dhobale for
the Respondent – MSRTC

.....

CORAM : SHAILESH P. BRAHME, J.

DATE : 10th SEPTEMBER, 2026.

P. C. :

I. A. NOS. 1232 OF 2026 & 1233 OF 2026

. Heard both sides.

2. The applications have been filed seeking withdrawal of the amount of Rs.16,95,522/- in the First Appeal No. 1630 of 2025 and Rs. 18,88,339/- in First Appeal No. 1628 of 2025 with accrued interest, deposited by the respondent – Corporation.

3. The dependents who are the claimants before this Court seeking withdrawal of amount on the grounds stated in the applications. The families of the victims are facing hardship and the deceased were their source of income at the relevant time.

4. It is contended that notional income is considered at a very lower side. The applicants are entitled to enhancement but they have not preferred any independent application.

5. Learned counsel for the respondent – Corporation submits that it is a case of contributory negligence. The deceased were riding a motorcycle which met with an accident. Already the quantum is exorbitant and unreasonable because that is unfounded.

6. It is a case of death claim. The applicants are blood relatives and they have lost their love ones. The quantum arrived at is founded on

notional income of the deceased persons. *Prima facie*, the notional income cannot be said to be exorbitant.

7. Learned counsel for both the sides have raised contentious issues which can be gone into during the course of hearing of the appeals, till then, the need of the applicants cannot be overlooked. It would be appropriate to permit the applicants to receive 60% of the compensation with interest.

8. The applications are allowed partly permitting the applicants to receive 60% of the amount with accrued interest upon furnishing the undertaking to the satisfaction of the jurisdictional Tribunal. The balance amount shall be invested in a nationalized bank.

FIRST APPEAL NOS.1630 OF 2025 AND 1628 OF 2025

9. Admit.

10. Mr. Rananaware, learned counsel waives notice for respondent no1. - Corporation.

11. Call for record and proceedings.

12. Print is dispensed with.

13. The parties shall be at liberty to file private paper book or compilation of documents.

I.A. NOS. 10980 OF 2025 AND 10978 OF 2025

14. As the amount is deposited pursuant to the order of this Court, ad-interim relief granted by this Court stand confirmed.

15. The applications stand disposed of.

(SHAILESH P. BRAHME, J.)