

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

**INTERIM APPLICATION NO. 20521 OF 2022  
IN  
FIRST APPEAL (ST.) NO. 20969 OF 2021**

Vikas Sudam Kurade & Ors.                      ...      Applicants

Versus

Maharashtra State Road  
Transport Corporation & Anr.                      ...      Respondents

**In the matter between**

Maharashtra State Road  
Transport Corporation & Anr.                      ...      Appellants

Versus

Vikas Sudam Kurade & Ors.                      ...      Respondents

Ms. Gargi Warunjikar i/b Nitesh Bhutekar for the Appellants.  
Mr. Kuldeep U. Nikam a/w Prasad Avhad and Om Latpate for the  
Applicants.

**CORAM :      R.I. CHAGLA, J.**

**DATED :      6<sup>th</sup> DECEMBER, 2022.**

**ORDER :**

1                      Heard the learned Advocate for the parties.

2           By this Interim Application the Applicant is seeking permission to withdraw the amount awarded by the M.A.C.T., Sangli vide impugned judgment and award dated 14.02.2020 and which has been deposited by the Appellant pursuant to order dated 20.01.2022 passed by this Court by which the execution of the impugned judgment and award has been stayed.

3           The Applicants have stated that the deceased was earning the major income in the family and she was running a break fast food centre. The Applicant No.1 is the husband of the deceased and Applicant Nos.2 and 3 are children of the deceased. Applicant No.4 is the mother-in-law of the deceased and Applicant No.5 is the father-in-law of the deceased. Applicant No.5 after passing of the impugned judgment and award has expired.

4           The Appellant has now sought leave to amend the First Appeal by deleting the name of Respondent No.5 in the First Appeal.

5           Accordingly, the Appellant is permitted to carry out amendment in the First Appeal to delete the name of Respondent No.5. within a period of one week from the date of uploading of this order. Re-verification is dispensed with.

6           The Applicants have stated that Applicant No.4 is suffering from various health ailments and need of medication and treatment. Applicant Nos.2 and 3 are minor sons of the deceased and are now enrolled into school for their education. Applicant No.1, husband of the deceased, was jointly running the break fast food centre with the deceased and upon her death, the break fast food centre was closed. Applicant No.1 is now a daily wager and barely earns and has expressed his financial constraints particularly as he has to bare the medical expenses, educational expenses as well as household expenses. Accordingly, the present Interim Application has been filed.

7           The learned Advocate appearing for the Appellant has submitted that the accident was a head on collision with the S.T. bus and the deceased was a pillion rider on the motor cycle. It is submitted that there is an issue of contrary findings raised in the First Appeal. Accordingly, she has submitted that the entire amount deposited should not be allowed to withdrawn by the Applicants herein.

8           Having considered the submissions as well as objection raised by the learned Advocate for the Appellant, I am of the view that satisfactory reasons have been given in the application for withdrawal. However, considering that there is an amount of Rs.5,00,000/- which has

been kept in Fixed Deposit with Nationalized Bank as per the direction of the M.A.C.T. Sangli, the Applicants are permitted to withdraw 60% of the amount along with the accrued interest deposited by the Appellant. This is subject to furnishing an undertaking against disbursement of the said amount with the M.A.C.T. that if the Appellant succeeds in the First Appeal, the Applicants shall return the amount with interest at such rate as would be determined by this Court.

9            If 60% of the amount is withdrawn by the Applicants, balance amount shall be invested by the M.A.C.T. in a fixed deposit in a Nationalized Bank.

10           Interim Application is accordingly disposed of.

**(R.I. CHAGLA, J.)**