

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 930 OF 2023
IN
FIRST APPEAL (ST) 23440 OF 2022**

Jayashri Rajkumar Dhansare & OrsApplicants
Versus
Maharashtra State Road Transport Corporation
Limited, Sangli through Divisional ControllerRespondent/
Appellants.

Mr. Tejpal S Ingale, Advocate for the Applicants.
Mr. Dhanajayrao D. Rananaware, Advocate for the Respondent/
Appellant-MSTRC Limited.

CORAM : S. G. DIGE, J.

DATE : 8th FEBRUARY 2023.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for the respondent - MSTRC Limited.
2. Learned counsel for the applicants submits that the deceased was the husband of the applicant No.1, father of applicant Nos.2 and 3 and son of applicant Nos.4 and 5. The deceased was the sole earning member of the applicants' family. The applicants have no source of income. The applicants need the amount for their

daily expenses and paying school fees of applicant Nos. 2 and 3. Hence, requested to allow the application.

3. Learned counsel for the respondent - MSTRC Limited submits that the Tribunal has awarded exorbitant and excessive compensation without any evidence on record. Learned counsel further submits that the accident had occurred due to sole negligence of the deceased but this fact is not considered by the Tribunal. The respondent - MSTRC Limited has challenged the impugned order by way of appeal. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The deceased was the sole earning member of the applicants' family. The applicants need the amount for their daily expenses and for paying fees of applicant Nos. 2 and 3. The grounds raised by learned counsel for respondent-MSTRC can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

O R D E R

1. The application is allowed.

2. The applicants are permitted to withdraw 30% amount along with accrued interest thereon, out of the deposited amount, on furnishing undertaking.

The application is disposed of.

(S. G. DIGE, J.)