

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3746 OF 2023
IN
FIRST APPEAL (ST) NO.31376 OF 2022

Nirmala Mahadev Pawar & Ors. ... Applicants
V/s.
Divisional Manager, MSRTC Satara Office,
Tal. & Dist. Satara ... Respondent

Mr. Ratan L. Adhe for the Applicants.
Mr. D.D. Rananaware for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 17th APRIL, 2023

PC.:

1. Heard learned counsel for the Applicants and learned counsel for the Respondent.
2. The learned counsel for the Applicants submits that deceased was sole earning member of Applicant's family. The Applicants have no source of income. They need the amount for daily expenses. Hence, requested to allow the application.
3. The learned counsel for the Respondent strongly objected to allow the application on the ground that there was contributory negligence of the deceased in the said accident, this fact is not considered by the Tribunal. Moreover, Tribunal has not

deducted amount for personal expenses properly. The Tribunal has considered monthly income of deceased on higher side. Hence, requested to dismiss the application.

4. I have heard both the learned counsel.

5. Deceased was sole earning member of the Applicant's family. The Applicants have no source of income. They need the amount for their personal expenses. The grounds raised by the learned counsel for Respondent can be considered at the time of final hearing of the Appeal and I pass following order:-.

O R D E R

- (i) Application is allowed.
- (ii) The Applicants are permitted to withdraw 50% amount along with accrued interest thereon out of deposited amount on furnishing undertaking.
- (iii) Application is disposed of.

(SHIVKUMAR DIGE, J.)