

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 17521 OF 2023

IN

FIRST APPEAL NO.23414 OF 2022

Shobha Jaggannath Jangam and Ors.

.... Applicants

IN THE MATTER BETWEEN

Maharashtra State Road Transport Corporation
Limited, Sangli

.... Appellant

Versus

Shobha Jaggannath Jangam and Ors.

.... Respondents

.....

Mr. Om N. Latpate i/b. Mr. Kuldeep Nikam, Advocate for Applicants
Mr. D. D. Rananaware, Advocate for Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th DECEMBER, 2023

P.C. :

1. It is the contention of learned counsel for the applicants that deceased was the sole earning member of the applicants' family. Applicants have no source of income. They need money for their daily expenses. Hence, requested to allow the application.

2. Learned counsel for the appellant- Corporation submitted that accident was caused due to sole negligence of the deceased but this fact is not considered by the Tribunal and has considered monthly income of

deceased higher and on that basis compensation is awarded which is not proper. Hence, requested to reject the application.

3. I have heard both the learned counsel. The deceased was the sole earning member of the applicants' family. Applicants have no source of income. They need the amount for their daily expenses. Considering the above facts, I pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicants are permitted to withdraw 40% amount along with accrued interest thereon, out of the deposited amount on furnishing usual undertaking.

4. The application is disposed off.

(SHIVKUMAR DIGE, J.)