

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1262 OF 2023
IN
FIRST APPEAL (ST) NO. 22112 OF 2022**

Madhu Sidhesh Kumar @ Sidhesh Singh & Ors.Applicants
Versus
Divisional Manager, M.S.R.T.C., NashikRespondent.

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Mr.Pritesh Bohade Advocate for Applicants.
Ms. Gargi Warunjikar i/b Nitesh V. Bhutekar Advocate for the
Respondent.

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CORAM : S. G. DIGE, J.

DATE : 13TH FEBRUARY, 2023.

P.C. :

1. Heard learned counsel for applicants and learned counsel for the respondent.
2. Learned counsel for applicants submits that deceased was the Karta of applicants' family. After the death of deceased, the entire life of the applicants is disturbed and still suffering from trauma. Applicants have no sufficient source for survival. It will take time to decide the first appeal. The accident has happened before 7 years but applicants have not received any compensation. Hence, requested to allow the application.

3. Learned counsel for Respondent-MARTC strongly objected to allow the application on the ground that the accident had occurred due to negligence of the deceased as he was wrongly overtaking the bus but this fact is not considered by the Tribunal. The Respondent has challenged the impugned order, hence, requested to dismiss the application.

4. I have heard both learned counsel.

5. Deceased was the pillar of applicants family. Applicants have no source of income. They need the amount for their daily expenses. The grounds raised by the respondent-MSRTC can be considered at the time of final hearing.

6. Hence, I pass following order.

ORDER

- I. Application is allowed.
- ii. Applicants are permitted to withdraw 30% amount along with accrued interest thereon out of deposited amount on furnishing undertaking. Application is disposed off.

(S. G. DIGE, J.)