

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

**INTERIM APPLICATION NO.1202 OF 2023
IN
FIRST APPEAL NO.190 OF 2021**

Kantabai Digambar Gulumkar & Anr. ...Applicants

IN THE MATTER BETWEEN

The Divisional Officer, MSRTC, Pune ...Appellant

Versus

Kantabai Digambar Gulumkar & Anr. ...Respondents

Mr.Prashant S. Hagare, for the Applicants.

Mr.D.D. Rananaware a/w Mr.Manjeet Lotankar, for the Respondent
No.1 -MSRTC, Pune in IA.

CORAM : S.G. DIGE, J.

DATE : 7 FEBRUARY 2023

P.C:-

. Heard learned counsel for the Applicants and the learned
counsel for Respondent No.1 -MSRTC.

2. The learned counsel for the Applicants submit that the
Applicants are the parents of deceased. The deceased was 27 years old.
He was only earning member of the family. After the death of
deceased the Applicants have no source of income. They need the
amount for daily expenses and for medical treatment. Hence,
requested to allow the Application.

3. The learned counsel for Respondent No.1-MSRTC strongly objected to allow the Application on the ground that the accident was occurred due to sole negligence of the deceased as he was traveling on the motorcycle triple seat. The said motorcycle dashed to backside of offending bus and accident was occurred. But this fact was not considered by the Tribunal. Hence, the Respondent has impugned the order of Tribunal and requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was the only earning member of the Applicants family, they have no other source of income. The issue raised by the Respondent can be considered at the time of the final hearing and I pass following order.

ORDER

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

(S.G. DIGE, J.)