

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3219 OF 2023
IN
FIRST APPEAL NO.260 OF 2023**

Pinky Ajay Jaiswar & Ors.

....Applicants

Versus

The Divisional Controller, Maharashtra
State Road Transport Corporation, Mumbai

....Respondent

Mr. Niketan Nakhawa, Advocate for the Applicants.

Mr. Ansari Faiyaz Ahmed i/b. Mr. Amit Ashok Gharte, Advocate for
the Corporation.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd MAY, 2023.

P.C. :

1. Heard learned counsel for the applicants and learned
counsel for respondent-Corporation.

2. Learned counsel for the applicants submits that the
deceased was the sole earning member of the applicants' family.
The applicants have no source of income, they need the amount for
their daily expenses. Hence, requested to allow the application.

3. Learned counsel for respondent- Corporation objected to

allow the application on the ground that the accident occurred due to sole negligence of the deceased. The Tribunal has awarded exorbitant and excessive compensation. 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. The applicants have no source of income. The grounds raised by the respondents can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

1. The application is allowed.
2. The applicants are permitted to withdraw the 50% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)