

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3343 OF 2023
IN
FIRST APPEAL (ST) NO.21654 OF 2021

NILAM
SANTOSH
KAMBLE

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Date: 2023.04.28
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Prabhakar Rambhau Ghogare & Ors.

...Applicants

Versus

Maharashtra State Road Transport Corp.

Thr. Division Controller, Raigad

...Respondent

Mr.T.J. Mendon, for the Applicants.

Mr.D.D. Ranaware, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27 APRIL 2023

P.C:-

. Heard learned counsel for the Applicants.

2. The learned counsel for the Applicants submit that the deceased was sole earning member of Applicant's family. The Applicants needs the amount for their daily expenses. They are facing starvation as there is no source of income. The accident occurred in the year 2019. Since, then Applicant's have not received compensation. Hence, requested to allow the Application.

3. The learned counsel for the Respondent has strongly objected to allow the Application on the ground that all the members i.e. four members who were riding on the motorcycle were under influence of liquor. But this fact was not considered by the Tribunal and has awarded exorbitant and excessive compensation. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was sole earning member of the Applicant's family. The Applicant's have no source of income. They needs the amount for their daily expenses. The deceased was not riding motorcycle, he was pillon rider. The issue raised by the learned counsel for the Respondents can be considered at the time of the final hearing of the matter. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicants are permitted to withdraw 25% amount out of the deposited amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)