

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3735 OF 2023
IN
FIRST APPEAL NO.216 OF 2022

Suman Balu Pawar And Anr. ... Applicants

V/s.

Maharashtra State Road Transport
Corporation Through the Divisional
Controller, Thane

... Respondent

Ms. Rina Kundu for the Applicants.

Mr. Aniket Nangare i/by Mr. N.V. Bhutekar for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 17th APRIL, 2023

P.C.:

1. Heard learned counsel for the Applicants and learned counsel for the Respondent.
2. Learned counsel for the Applicants submits that deceased was daughter of Applicants. The Applicants needs the amount for their daily expenses. She was sole earning member of Applicant's family. The Applicants have no source of income. Hence, requested to allow the application.
3. Learned counsel for the Respondent strongly objected to allow the application on the ground that the accident was occurred due to sole negligence of motorcycle rider i.e. Applicant

No.2. The Applicants have not joined necessary parties. Hence, requested to dismiss the application.

4. I have heard both the learned counsel.

5. Deceased was sole earning member of the Applicant's family. The Applicants needs the amount for their daily expenses. The Applicants have no source of income. Hence, I pass following order:-

O R D E R

- (i) Application is allowed.
- (ii) The Applicants are permitted to withdraw 30% amount along with accrued interest thereon out of deposited amount on furnishing undertaking.
- (iii) Application is disposed of.

(SHIVKUMAR DIGE, J.)