

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4056 OF 2023
IN
FIRST APPEAL NO. 295 OF 2023

Laxman Dashrath Bhalerao & Anr. ...Applicants

IN THE MATTER BETWEEN

Maharashtra State Road Transport
Corporation, Thane ...Appellant

Versus

Laxman Dashrath Bhalerao & Anr. ...Respondents

Mr. Ansari Faiyaz Ahmed i/by Mr. Amit Gharte for the Appellant.

Mr. S. M. Mangaonkar for the Applicants/Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th APRIL, 2023.

P. C. :

1. Learned Counsel for the Applicants submits that the deceased was the sole earning member of the Applicants' family. Applicants have no source of income. Applicants need amount for daily expenses. Hence, requested to allow the Application.

2. Learned Counsel for the Appellant-Insurance Company strongly objected to allow the Application on the ground that the Tribunal has considered monthly income of the deceased on higher side and on that basis exorbitant and excessive compensation is awarded.

Hence, requested to dismiss the Application.

3. I have heard both learned Counsel.

4. Deceased was sole earning member of the Applicants' family. Applicants have no source of income. Applicants need the amount for daily expenses. The issue raised by the learned Counsel for the Appellant can be considered at the time of final disposal of the Appeal. Hence, I pass following order :

ORDER

- i. Application is allowed.
- ii. The Applicants are permitted to withdraw 50% amount out of deposited amount alongwith accrued interest thereon, on furnishing an undertaking.
- iii. Application is disposed of.

(SHIVKUMAR DIGE, J.)