

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12657 OF 2023

IN

FIRST APPEAL NO.519 OF 2023

GAFFAR SHABBIR ANSARI AND ORS.)...APPLICANTS

V/s.

**MAHARASHTRA STATE ROAD TRANSPORT)
CORPORATION)...RESPONDENT**

Ms. Neha Nagotaneekar, Advocate for the Applicant/Respondent in FA.

Mr. Aniket Nangare i/b Mr. N.V. Butekar, Advocate for the Appellant in FA.

CORAM : ABHAY AHUJA, J.

DATE : 20th JUNE 2023.

P.C. :

1. This is an application seeking withdrawal of the decretal amount deposited by the Appellant Maharashtra State Road Transport Corporation. Learned Counsel for the original Claimants would submit that the deceased was the only earning member of the family and the son of applicants No.1 and 2. She would submit that applicant No.3 and 4 were minors at the time of death of the deceased. She would submit that all the Applicants were fully dependent on the income of the deceased. The Applicant No.1 is senior citizen and was a laborer, Applicant No.2 is mother of the deceased and housewife and Applicants

No.3 and 4 were students. That the income was the father was not sufficient to maintain expenses of the family and the educational expenses of the sisters of the deceased and, therefore, request for withdrawal of amount deposited by the Appellant. Mr. Aniket Nangare, learned Counsel for the Appellant raises only a formal objection.

2. Having heard the learned Counsel and having perused the application as well as impugned order, this Court deems it appropriate to pass the following order :-

(i) Let 50% amount deposited in this Court be allowed to be withdrawn by the Claimants in the proportion amendment contained in paragraphs No.3 to 9 of the order dated 13th December, 2019 of Motor Accident Claim Tribunal, Mangaon, Raigad, subject to an undertaking that in the event of the appeal is allowed in favour of the Appellant the amount so withdrawn would be returned along with interest within a period of 4 weeks from the date of the said order in First Appeal.

(ii) The Interim Application stands disposed in the above terms.

3. List the First Appeal **“For Admission”** on 14th July, 2023.

(ABHAY AHUJA, J.)