

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO.13504 OF 2023

in

FIRST APPEAL STAMP NO. 20545 OF 2022

Harshada Rakesh Bhadrike and ors.Applicants

In the matter of

Maharashtra State Road Transport Corporation

through Divisional Controller, Raigad

....Appellant

Versus

Harshada Rakesh Bhadrike and ors.

....Respondents

Mr. Sandeep Shinde i/b. Ergo Juris, Advocates for Applicants/
Respondent Nos.1 to 5.

Mr. Dhananjayrao D. Rananaware, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th DECEMBER, 2023.

P.C. :

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

2. Learned counsel for the applicants submitted that the deceased was the sole earning member of the applicants' family. The applicants have no source of income. Applicant No.1 is housewife and applicant Nos.2 and 3 are daughters of applicant No.1. Applicants need the amount for their daily expenses and education of applicant Nos.2 and

3. Hence, requested to allow the application.

3. Learned counsel for appellant-Corporation objected to allow the application on the ground that accident had occurred due to sole negligence of the deceased, he was under the influence of liquor but this fact is not considered by the Tribunal and has awarded exorbitant 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 have no source of income. They need the amount for their daily expenses. The grounds raised by the appellant-Corporation 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 50% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)