

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.13345 OF 2023
in
FIRST APPEAL STAMP NO. 19879 OF 2022**

Anita Bhau Mokhal and ors.

....Applicants

In the matter of

Maharashtra State Road Transport Corporation
through Divisional Controller, Raigad

....Appellant

Versus

Anita Bhau Mokhal and ors.

....Respondents

Mr. Sandeep Shinde i/b. Ergo Juris, Advocates for Applicants/
Respondent Nos.1 to 4.

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

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 submits 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.

**SHUBHADA
SHANKAR
KADAM**

3. Learned counsel for appellant-Corporation objected to allow the application on the ground that accident had occurred due to negligence of the deceased 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 respondent-Insurance Company 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.)