

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.16956 OF 2022
IN
FIRST APPEAL NO. 1036 OF 2022**

Dipali Vinay Khairnar & ors.Applicants
versus
Maharashtra State Regional Transport Corporation.....Respondent

Mr. Rajan S.Pawar, Advocate for the Applicants.
Mr. Gargi Warunjikar i/b. Mr. N. V. Bhutekar, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd MAY, 2023.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for respondent-Insurance Company.
2. Learned counsel for the applicants submits that the deceased was the only earning member of the applicants' family. The applicants have no source of income and they need the amount for their daily expenses. Hence, requested to allow the application.
3. Learned counsel for respondent- Insurance Company strongly objected to allow the application on the ground that the

accident occurred due to sole negligence of the deceased but the Tribunal has not considered this fact. The Tribunal has considered the income of the deceased on higher side and, on that basis, has awarded exorbitant and excessive 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 the 50% amount along with accrued interest therein, out of the deposited amount on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)