

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

**INTERIM APPLICATION NO.13275 OF 2023
IN
FIRST APPEAL NO.693 OF 2023**

Saguna Kashinath Bhoje and ors. **...APPLICANTS**

In the matter between :-
Maharashtra State Road Transport
Corporation, Raigad. **... APPELLANT**

V/s.
Saguna Kashinath Bhoje and ors. **... RESPONDENTS**

Ms.Neha Nagotaneekar, Advocate for the Applicants/Respondents.
Mr.Manjeet Lotankar i/by Mr.D.D.Rananaware, Advocates for the
Appellant.

**CORAM : ABHAY AHUJA, J.
DATE : 11 JULY, 2023.**

P.C. :

1. This is an application seeking withdrawal of the amount deposited by the Appellant - Maharashtra State Road Transport Corporation before the Motor Accident Claims Tribunal, Alibag, Raigad.

2. Learned counsel for the Applicants submits that the deceased was a

pedestrian and the ST bus belonging to the Appellant-Corporation dashed against the deceased leading to his death. She would submit that the deceased was only 44 years at that time and his income was Rs.70,000/- per month being employed with Maharashtra State Electricity Distribution Company Limited. Learned counsel submits that the Applicants are the heirs/ legal representatives of the deceased and are in a need of money. She would submit that the Applicants are doing labour work and the income is not sufficient to meet all expenses of the family. Learned counsel submits that therefore the entire amount be allowed to be withdrawn.

3. Mr.Manjeet Lotankar, learned counsel for the Appellant/ Corporation opposes the submissions that the entire amount be permitted to be withdrawn as the Corporation has good case on merits.

4. Having heard the learned counsel and having perused the application, this court is of the view that interests of justice would be served if 50% of the amount is allowed to be withdrawn.

5. Let 50% of the amount deposited by the Appellant – Maharashtra

Accident Claim Tribunal, Alibag, Raigad allowed to be withdrawn by the Applicants in the manner and proportion contained in clauses (iii) and (iv) of paragraph No.26 of the impugned order dated 13th December, 2021 subject to an undertaking that in the event the appeal is allowed, the said amounts will be brought back alongwith interest within a period of four weeks.

6. Application stands allowed in the above terms.

(ABHAY AHUJA, J.)