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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14575 OF 2023
IN
FIRST APPEAL NO.388 OF 2023

Smt.Alka P. Kute @ Kunte & Ors. ...Applicants
V/s.
Maharashtra State Road Transport Corporation ...Respondent

WITH
INTERIM APPLICATION NO.3247 OF 2023
IN
FIRST APPEAL NO.388 OF 2023

Maharashtra State Road Transport Corporation ...Applicant
V/s.
Smt.Alka P. Kute @ Kunte & Ors. ...Respondents

Ms.Gargi Warunjikar i/b Mr.Bhutekar for the Appellant.
Ms.Rina Kundu for the Respondent.

CORAM : RAJESH S. PATIL, J.
DATE : 25TH SEPTEMBER, 2023.

P.C. :- **Interim Application No.14575 OF 2023**

1. This Interim Application is filed by the Applicant for withdrawal of the amount deposited by the MSRTC before the concerned MACT. This Application is filed by the Applicants, as deceased Prakash R. Kute @ Kunte, who died in the unfortunate accident. The deceased was the only earning member of the family.

Applicant No.2 is the son of the deceased, working as Supervisor in the Construction Company. Applicant No.2 is married and also and also has a daughter who is one month old. Applicant No.3 is also son of the deceased, who is doing small temporary food product business on a road side stall. Applicant No.1 is the widow of the deceased, who is house wife. It is very difficult according to the Applicants for them to maintain all expenses of their household. Therefore this Application is filed. As the First Appeal will take some time to be heard and disposed of.

2. I have heard both the sides and I have gone through the contents of the Interim Application. I am satisfied that partial withdrawal can be permitted in view of the medical expenses to be borne by the Applicant and for other household expenses are concerned.

3. Applicant Nos.1, 2 and 3 are permitted to withdraw 50% of the 'Award' amount along with accrued interest deposited by the Insurance Company as per the ratio mentioned in the impugned Judgment and Award.

4. The Registry to see that the money is transferred to the account of Applicants.

5. The 50% of the 'Award' amount awarded to the Applicants are allowed to be withdrawn, upon furnishing an undertaking before the

concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at such rate as may be directed by this Court at the time of disposal of the First Appeal.

6. Balance amount shall be invested in the fixed deposit of a nationalized bank initially, for a period of one year and thereafter for like period depending the pendency of this Court.

7. All the parties to act on an authenticated copy of this order. Issuance of certified copy of this order is expedited.

8. The interim application is accordingly disposed of.

INTERIM APPLICATION NO.3247 OF 2023
IN
FIRST APPEAL NO.388 OF 2023

1. This Interim Application is filed seeking stay to the execution and implementation of the impugned Judgment and Award passed by the MACT, Kalyan.

2. By an order dated 30 March 2023, interim relief was granted to the Applicant. Pursuant to which the Applicant has deposited entire 'Award' amount in the concerned MACT with accrued interest.

3. In view of the same, interim relief granted on 30 March 2023 is extended till the disposal of the First Appeal.

4. Interim application is accordingly disposed of.

(RAJESH S. PATIL, J.)