

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

**INTERIM APPLICATION NO.14976 OF 2023
IN
FIRST APPEAL (ST) NO. 3099 OF 2021**

**Ratnaprabha Murlidhar Dhadave & Ors. ...Applicants
(Org. Claimants)**

IN THE MATTER BETWEEN:

**The Divisional Controller,
Maharashtra State Road Transport Corporation ... Appellant
Versus
Ratnaprabha Murlidhar Dhadave & Ors. ...Respondents**

Mr. Manjeet Lotankar i/b. Dhananjay Ranaware for the Applicants.
Mr. Rajesh More for the Respondents.

CORAM : RAJESH S. PATIL, J.

DATED : 14th SEPTEMBER, 2023

P.C.:

1. This Interim Application is filed for withdrawal of the amount deposited by the Maharashtra State Road Transport Corporation (“MSRTC”), Pune before Motor Accident Claims Tribunal (“MACT”), Pune in Motor Accident Claims Petition No. 730 of 2015.

2. It is applicants' case that Applicant Nos.1 to 4 are the legal heirs of the deceased and their entire monthly expenses are through the pension which they receive from the employer of the deceased. The deceased was the only earning member of the family. Applicant No.1 is nearly 67 years old and he is suffering from many ailments. The award is passed for amount of Rs.6,62,500/- alongwith @ 9% interest.

3. I have heard both the learned advocates. There is no reply filed to this Interim Application. The learned advocate for the Respondents states that 25% of the amount deposited may be allowed to be withdrawn by Applicant No.1. I have gone through the Interim Application and I am satisfied that partial withdrawal can be allowed from the provided amount in the interest of justice, suffice with the purpose, if Applicant No.1 is allowed to withdraw a sum of Rs.3,50,000/- of the amount deposited by the MSRTC.

4. Rs.3,50,000/- of the decretal amount awarded to Applicant No.1 (Original Claimant) is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at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.

5. 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 upon the pendency of this Court.

6. Interim Application No.14976 of 2023 is accordingly disposed of.

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

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If the office objection in the First Appeal is not removed within a period of two weeks, the First Appeal stand dismissed without reference to this Court.

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signed by
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SUBHASH
LOKHANDE
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(RAJESH S. PATIL, J.)