

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 16686 OF 2023
IN
FIRST APPEAL NO. 123 OF 2010

Minal Nishkant Kambli and Others

.... Applicants

In the matter between

Maharashtra State Road Transport Corporation

.... Appellant

Versus

Minal Nishkant Kambli and Others

.... Respondents

Mr. Farhan Shaikh i/b. Khandeparkar & Associates, Advocate for the Applicants.

Ms. P.M.Bhansali i/b. Dharini Jain, Advocate for Respondent No.1.

Mr. D.A.Joshi for Respondent No.5.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th NOVEMBER, 2023.

P.C. :

1. Heard learned counsel for the applicants.
2. By this application, applicants are seeking withdrawal of amount. It is the contention of learned counsel for the applicants that deceased was the sole earning member of applicants' family. Applicants were dependent on the income of deceased. Applicants need the amount for daily expenses. Hence, requested to allow the application.
3. Learned Counsel for the Appellant - Insurance Company strongly objects to allow the application on the ground that compensation awarded is exorbitant and excessive and the accident occurred due to rash and

negligent driving of the deceased. Hence, requested to reject the application.

4. I have heard both the learned Counsel. The deceased was the sole earning member of the applicants' family. Applicants need the amount for their daily expenses. Applicants have no source of income. The grounds raised by the respondents can be considered at the time of final hearing of the appeal. Hence, Considering this fact, I pass following order :

ORDER

(i) The application is allowed.

(ii) The applicants are permitted to withdraw the 25% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. The Application is disposed off.

(SHIVKUMAR DIGE, J.)

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