

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Digitally signed
by VASANT
ANANDRAO
IDHOL
Date:
2023.09.27
22:06:54
+0530

VASANT
ANANDRAO
IDHOL

INTERIM APPLICATION NO.15639 OF 2023
IN
FIRST APPEAL NO.248 OF 2023

Smt.Sneha A. Marwade & Ors. ...Applicants
V/s.
Maharashtra State Road State Corporation ...Respondent

Mr.Vijaykumar B. Dighe for the Applicants.
Mr.Aniket Nangare i/b Mr.N.V. Bhutekar for the Appellant.

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

P.C. :-

1. This Interim Application is filed by the Applicants / original claimants for withdrawal of the amount deposited by the Appellant / M.S.R.T.C. before the MACT Raigad – Alibag. Applicant No.1 is the widow of the deceased, who has submitted that due to sudden death of her husband, she has no option but to start some business. However, even to start some business, she requires certain capital amount. Applicant Nos.2 and 3 are the parents of the deceased and they were dependent on the deceased. At the advance age, there are lot of money required for medication. Therefore, for medical care they require money. Applicant No.2 is a farmer, however at his native place. Farming is suffering due to no rains. Applicant No.2 is not able to cultivate his land. Applicant No.4 is studying in College and for his

educational purpose, moneys are required. Therefore, the Applicants are praying that they may be allowed to withdraw at least some amount from the amount already deposited by the Insurance Company.

2. I have heard both the sides and I have gone through the contents of the Interim Application. Taking into consideration the financial position of the Applicants and their need, case is made out to allow partial payment to Applicant Nos.1, 2 and 3.

3. Applicant Nos.1, 2 and 3 are permitted to withdraw the amount deposited by the Insurance Company along with interest accrued thereon, except the amount of Rs.5,00,000/- each deposited in fix deposit.

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

5. The interim application is accordingly disposed of.

INTERIM APPLICATION NO.2409 OF 2023

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

2. By an order dated 17 March 2023 interim relief was granted to the Applicant. Pursuant to which the Applicant has deposited entire 'Award' amount in concerned MACT with interest.

3. In view of the same, interim relief granted on 17 March 2023 is extended till the disposal of the First Appeal.
4. Interim application is accordingly disposed of.

(RAJESH S. PATIL, J.)