IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 16340 OF 2023
IN
FIRST APPEAL (ST) NO. 9494 OF 2023

Nilam Garud Salunkhe & Ors. ….. Applicant

IN THE MATTER OF

Secretary,
Maharashtra State Road Transport Corporation Limited, MSRTC ….. Appellant

VERSUS

Nilam Garud Salunkhe & Ors. ….. Respondents

Mr.Jagannath S. Pawar for the Applicant.

Mr.Dhananjay Rananaware for the Appellant.

CORAM: RAJESH S. PATIL, J.

DATE : 23rd OCTOBER, 2023

P.C:-

This interim application is filed by the original claimants for withdrawal of the award amount deposited before the concerned M.A.C.T.

2. It is the case of the applicants that the financial condition of the applicants/original claimants has become very worst and poor as they

had totally been dependent on the income of the deceased for their livelihood. The applicant no.1 is a housewife of the deceased and the applicant no.4 is the father of the deceased who is a senior citizen and does not work for gain. The applicant nos. 2 and 3 are minor children, taking education. Hence, there is no source of income available for them for fulfilling their family needs.

3. I have heard both the sides. I have gone through the contents of the interim application. According to me a case is made out to partially allow withdrawal of the deposited award amount.

4. According to me, in the interest of justice, it would be appropriate if the applicant nos. 1 and 4 are permitted to withdraw 60% of the ‘Award’ amount deposited by the Insurance Company along with accrued interest as per the ratio mentioned in the impugned Judgment and Award.

5. The 60% of the ‘Award’ amount awarded to the applicant nos. 1 and 4 allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before the concerned M.A.C.T. to the effect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. The Registry to see that the money is transferred to the account of the applicant nos. 1 and 4.

7. 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.

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

9. The interim application is accordingly disposed of.

[RAJESH S. PATIL, J.]