

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 17323 OF 2023****IN****FIRST APPEAL NO. 1196 OF 2023**

Indu Sharad Avhad and Ors.

.... Applicants

IN THE MATTER BETWEENDivisional Manager, Maharashtra State Road
Transport Corporation Nashik Division

.... Appellant

Versus

Indu Sharad Avhad and Ors.

.... Respondents

.....

Mr. Pritesh K. Bohade, Advocate for Applicants.

Mr. Ansari Faiyaz Ahmed i/b. Mr. Amit A. Gharte, Advocate for Appellant.

CORAM : SHIVKUMAR DIGE, J.**DATE : 6th DECEMBER, 2023****P.C. :**

1. It is the contention of learned counsel for the applicants that deceased was the sole earning member of the applicants' family. Applicants have no source of income. They need money for their daily expenses. Hence, requested to allow the application.
2. It is the contention of learned counsel for the appellant - Corporation that accident occurred due to sole negligence of the deceased but this fact is not considered by the Tribunal and has awarded compensation. Hence requested to reject the application.

3. I have heard both the learned counsel. The deceased was the sole earning member of the applicant's family. Applicants have no source of income. They need the amount for their daily expenses. Considering the above facts, I pass following order:

ORDER

- (i) The application is allowed.
- (ii) Applicants are permitted to withdraw 50% amount along with accrued interest thereon, out of the deposited amount on furnishing usual undertaking.

4. The application is disposed of.

(SHIVKUMAR DIGE, J.)

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