

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

**INTERIM APPLICATION NO. 387 OF 2023
IN
FIRST APPEAL NO. 372 OF 2021**

Smt. Asha Gangadhar Bapardekar & Ors.Applicants

Versus

Mr. Vinodkumar Prithviraj KothariRespondent

Mr. Pradeep Gole for the Applicants.
Mr. Amol Gatne i/b Swati Mehta for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th APRIL 2023.

P.C. :

1. Heard learned counsel for the Applicants and learned counsel for the Respondent.
2. Learned counsel for the Applicants submit that the deceased was the sole earning member of Applicants' family. He was injured in the accident, there was amputation of right leg below ankle. After the accident deceased was unable to do any work, after passing judgment and award in claim petition he died. Applicants have no source of income. Applicants needs the amount for daily expenses. Hence,

requested to allow the application.

3. Learned counsel for the Respondent strongly objected to allow the application on the ground that exorbitant and excessive compensation is awarded by the tribunal. The accident was occurred due to negligence of the deceased but this fact was not considered by the tribunal. Hence, requested to dismiss the application.

4. I have heard both learned counsel, deceased was injured in the accident, there was amputation of his right leg below ankle. There is no source of income to the Applicants, they need the amount for daily expenses. The issue raised by the learned counsel for the Respondent can be considered at the time of final hearing and I pass following order.

ORDER

- i. Application is allowed.
- ii. Applicants are permitted to withdraw 75% amount alongwith accrued interest thereon, out of deposited amount on furnishing under taking.
- iii. Application disposed of.

(SHIVKUMAR DIGE, J.)