

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 30406 OF 2022
IN
FIRST APPEAL (ST) NO. 23446 OF 2022**

Babita Bhagwan Satpute & Anr.Applicants

Versus

Maharashtra State Road Transport Corporation Ltd.Respondent

...
Mr. D.D. Rananaware Advocate for the Applicants.
Mr. Kuldeep Nikam Advocate for the Respondent.
...

CORAM : S. G. DIGE, J.

DATE : 6TH FEBRUARY, 2023.

P.C. :

1. Heard learned counsel for applicants and learned counsel for Respondent No.1.
2. Learned counsel for applicants submits that deceased was the husband of Applicant No.1 and father of Applicant No.2. Deceased was the Karta of Applicants' family. They need the amount for daily expenses. Applicants have no source of income.

Hence, requested to allow the application.

3. Learned counsel for respondent objected to allow the application on the ground that the accident was occurred due to negligence of the deceased, but this fact is not considered by the Tribunal. Hence, requested to dismiss the application.

4. I have heard both the learned counsel. The deceased was sole earning member of applicants' family. Applicants need the amount for her daily expenses. The ground raised by the respondents can be considered at the time of final hearing.

5. Hence, 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 deposited amount on furnishing undertaking.

(S. G. DIGE, J.)