

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 30408 OF 2022
IN
FIRST APPEAL (ST) NO. 23411 OF 2022**

Shakuntala Dadaso Chavan and Anr.	Applicants
Versus	
Maharashtra State Road Transport Co. 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 submit that deceased was the son of Applicant No.1. He was the earning member of the family. Applicants are old aged person. They need the amount for their medical expenses and daily expenses. 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. Deceased was sole earning member of the family. Applicants need the amount for daily expenses and medical 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.)