

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

**INTERIM APPLICATION NO.7619 OF 2024
IN
FIRST APPEAL (ST) NO.20539 OF 2022**

Gajanan Dashrath Patil & Anr. Applicants

V/s.

Maharashtra State Road Transport Respondent
Corporation, Thr. Divisional Controller,
Kolhapur

Mr.Kedar P. Lad, for the Applicants.

Mr.D.D. Rananaware, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th APRIL 2024

P.C:-

. Heard learned counsel for the Applicant and learned counsel for the Respondent.

2. By this Application, the Applicant is seeking withdrawal of the amount.

3. It is contention of the learned counsel for the Applicants submit that Applicant's are parents of the deceased. They needs the amount for daily expenses. The deceased was only son of the Applicant's. Hence, requested to allow the Application.

4. The learned counsel for the Respondent-Corporation has objected to allow the Application on the ground that the accident occurred due to sole negligence of the deceased, as he was trying to overtake to the bus and in that attempt he came under the wheel of the bus, but this fact is not considered by the Tribunal. The Tribunal has considered his monthly salary of Rs.10,000/-, it is on higher side. Hence, requested to dismiss the Application.

5. I have heard both the learned counsel.

6. The Applicant's are the parents of the deceased. They needs amount for daily expenses. The issue raised by the Respondent can be considered at the time of the final hearing. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicants are permitted to withdraw 50% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)