

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**INTERIM APPLICATION NO.17540 OF 2023**  
**in**  
**FIRST APPEAL STAMP NO. 12108 OF 2023**

Ujjwala Baban Gaikwad and 2 ors.

...Applicants/  
Claimants

**In the matter of**

|                                                               |      |             |
|---------------------------------------------------------------|------|-------------|
| The Manager, Maharashtra State Transport Corporation, Mumbai. | ...  | Appellant   |
| versus                                                        |      |             |
| Ujjawala Baban Gaikwad and ors.                               | .... | Respondents |

Mr. Balwant Salunkhe, Advocate for the Applicants/Claimants.

Mr. D. D. Ranaware, Advocate for the Appellant-Corporation..

**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 26<sup>th</sup> FEBRUARY, 2024.**

**P.C. :**

1. Heard learned counsel for the applicants and learned counsel for the appellant-Corporation.
2. Learned counsel for the applicants submitted that the deceased was the Karta of the applicants' family, he was the pillar and sole earning member of the applicants' family. After the death of deceased, the applicants have no source of income. The applicants need the amount for their daily expenses. Hence, requested to allow the application.

3. Learned counsel for the appellant-Corporation strongly objected to allow the application on the ground that the applicants have received the compensation under the provisions of Workmen's Compensation Act, so they cannot get compensation under Section 166 of Motor Vehicles Act but this fact is not considered by the Tribunal. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The deceased was the Karta of the applicants' family, he was the pillar and sole earning member of the applicants' family. After the death of deceased, the applicants have no source of income. The applicants need the amount for their daily expenses. The ground raised by the appellant-Corporation can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

### **O R D E R**

1. The application is allowed.
  2. The applicants are permitted to withdraw 20% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.
- The application is disposed of.

**(SHIVKUMAR DIGE, J.)**