

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 248 OF 2024****IN****FIRST APPEAL STAMP NO. 18521 OF 2023**

Rupali Dattu Devkate and Ors.

... Applicants

IN THE MATTER BETWEEN :

Maharashtra State Road Transport Corporation

... Appellant

Versus

Rupali Dattu Devkate and Ors.

... Respondents

Mr. A.V. Alange, Advocate for Applicants.

Mr. Aniket Nangare i/b. N. V. Bhutekar, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.**DATE : 10th JANUARY, 2024.****P.C. :**

1. Heard learned counsel for the applicants.
2. By this application, applicants are seeking withdrawal of amount. It is the contention of learned counsel for the applicants that deceased was the sole earning member of applicants' family. Applicants were dependent on the income of deceased. Applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the application.
3. It is the contention of learned counsel for the appellant – Corporation that accident was occurred due to negligence of deceased.

The income of deceased is considered on higher side. Hence requested to reject the application.

4. I have heard both the learned Counsel. Perused the Judgment and Order passed by the Motor Accident Claims Tribunal, Solapur (for short “**the Tribunal**”). The deceased was the sole earning member of the applicants’ family. Applicants need the amount for their daily expenses. Applicants have no source of income. The grounds raised by the appellant-Insurance Company can be considered at the time of final hearing of the appeal. Hence, Considering this fact, I pass following order :

ORDER

- (i) The application is allowed.
 - (ii) The applicants are permitted to withdraw the 30% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.
5. The Interim application is disposed off.

(SHIVKUMAR DIGE, J.)