

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15547 OF 2024

IN

FIRST APPEAL STAMP NO. 18153 OF 2024

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Sheela Pravin Dhavale and Ors.

... Applicants

Versus

Maharashtra State Road Transport

... Respondent

.....

Mr. Sarthak Diwan, Advocate for Applicants.

Mr. D.D.Ranaraware a/w. Mr. Abhijeet B. Phulsunder, Advocates for Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 17th DECEMBER, 2024.

P.C. :

1. By this application, applicants are seeking withdrawal of amount.
2. It is the contention of learned counsel for the applicants that deceased was a sole earning member of applicants' family. Applicants were dependent on the income of deceased. Applicants need the amount for daily expenses. Hence ,requested to allow the application.
3. Learned counsel for the respondent Corporation strongly objected to allow the application on the ground that accident occurred due to sole negligence of the applicant but the Tribunal has considered 50% contributory negligence of deceased which is not proper. Hence, requested to reject the application.

4. I have heard both the learned counsel. 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 respondent Corporation 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 50% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. Interim application is disposed off.

(SHIVKUMAR DIGE, J.)