

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

**INTERIM APPLICATION NO.748 OF 2024
IN
FIRST APPEAL (ST) NO. 24964 OF 2023**

Sou.Minabai Pandharinath Phapale &Applicants
Anr.

NILAM
SANTOSH
KAMBLE

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NILAM SANTOSH
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Date: 2024.01.29
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V/s.

Maharashtra State Transport Corporation,Respondent
Mumbai, The Divisional Controller,
MSRTC, Pune

Mr.D.D. Rananaware, for the Applicant.

Ms.Vaishnavi M. Gujarathi, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th JANUARY 2024

P.C:-

. Heard learned counsel for the Applicants.

2. The learned counsel for the Applicants submit that the deceased sole earning member of the Applicant's family. The Applicants needs the amount for their daily expenses. They are facing starvation as there is no source of income. Hence, requested to allow the Application.

3. The learned counsel for the Respondent has objected to allow the Application on the ground that the accident was occurred due to sole negligence of the deceased, but this fact is not considered by the Tribunal. The deceased has not holding effective and valid license. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was only earning member of the family, the Applicants needs the amount for their daily expenses. They have no source of income. The issue raised by the learned counsel for the Respondent can be considered at the time of the final hearing of the Appeal. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicants are permitted to withdraw 25% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)