

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 7073 OF 2024
IN
FIRST APPEAL NO. 259 OF 2023**

Radha Deepak Kulkarni and Ors.	...	Applicants
versus		
Maharashtra State Road Transport Corporation Through the Divisional Manager, Nashik		Respondents

Mr. Rajan S. Pawar, Advocate for the Applicants

Mr. Ansari Faiyaz Ahmed i/b. Mr. Amit Gharte, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th APRIL, 2024.

P.C. :

1. Heard learned counsel for the Applicants and learned counsel for the Respondents.
2. By this Application, the Applicants are seeking withdrawal of the amount.
3. It is contention of learned counsel for the Applicants that the deceased was sole earning member of the Applicants' family. Applicants have no source of income. They need the amount for daily expenses. Hence, requested to allow the Application.
4. Learned counsel for the Respondent- Corporation submits that the Tribunal has considered notional monthly income of the deceased on

higher side and on that basis compensation is awarded, which is erroneous. Hence, requested to reject the application.

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

- i. The Interim Application No. 7073 of 2024 is allowed.
- ii. The Applicants are permitted to withdraw 50% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The Application is disposed of.

(SHIVKUMAR DIGE, J.)