

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.8191 OF 2024
IN
FIRST APPEAL STAMP NO. 7794 OF 2024**

Sabra Nesha Ainul Ansari and ors.	...	Applicants
In the matter of :		
The General Manager Bombay Electric Supply and Transport Corporation	...	Appellant
versus		
Sabra Nesha Ainul Ansari and ors.		Respondents

Mr. Amol Gatne i/b. Ms. Swati Uday Mehta, Advocate for Applicants/ Claimants.

Ms. Karishma Jhaveri i/b. Navdeep Vora and Associates, Advocates for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd MAY, 2024.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for appellant-Corporation.

2. By this application, the applicants are seeking withdrawal of the amount. It is the contention of learned counsel for the applicants that the deceased was the sole earning member of the applicants' family. The applicants have no source of income, they need the amount for their daily expenses. Hence, requested to allow the application.

3. Learned counsel for appellant – Corporation strongly objected to allow the application on the ground that the Tribunal has considered yearly income of the deceased on higher side and there was negligence of the deceased in the said accident. Hence, requested to reject the application.

4. I have heard both learned counsel. The deceased was the sole earning member of the applicants' family. The applicants need the amount for their daily expenses. The applicants have no source of income. The grounds 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 50% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.
- The application is disposed of.

(SHIVKUMAR DIGE, J.)