

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 8598 OF 2024****IN****FIRST APPEAL NO. 52 OF 2023**

Surekha Rajkumar Mashalkar and Ors.

... Applicants

IN THE MATTER OF

Sharanappa Ramanna Mashale

... Appellant

Versus

Surekha Rajkumar Mashalkar and Ors.

... Respondents

Mr. R.S.Alange, Advocate for Applicants.

Ms. Seema S. Dighe i/b. Priyal G. Sarda, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.**DATE : 6th MAY, 2024****P.C. :**

1. Heard learned counsel for the applicants.
2. By this application, applicants are seeking withdrawal of amount.
3. 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.
4. Learned Counsel for the appellant submits that accident occurred due to sole negligence of the deceased. The Tribunal has

awarded compensation on higher side, hence, requested to reject the application.

5. 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 appellant can be considered at the time of final hearing of the appeal. Considering this fact, I pass following order :

ORDER

(i) The application is allowed.

(ii) The applicants are permitted to withdraw the 50% amount which has been deposited by the appellant along with accrued interest thereon on furnishing usual undertaking.

6. Interim application is disposed off.

(SHIVKUMAR DIGE, J.)

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