

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

**INTERIM APPLICATION NO. 17750 OF 2023
IN
FIRST APPEAL NO. 161 OF 2020**

Sushila Kisan Damase & Ors.

....Applicants

Versus

Divisional Controller,

Maharashtra State Road Transport

Corporation

....Respondent

Mr.Yogesh Pande, Advocate for the Applicants.

Mr. D.D. Rananaware, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd APRIL, 2024.

P.C. :

1. By this application, Applicant Nos.2 to 5 are seeking withdrawal of the amount.

2. Learned counsel for the Applicants submits that this Court has permitted Claimant No.1 to withdraw 50% amount as per her share out of the deposited amount. As per order of this Court Claimant No.1 has withdrawn Rs.12,50,000/- along with accrued

interest thereon, out of the deposited amount. The Applicants are required the amount for paying education fees and daily expenses. Hence, requested to allow the Application.

3. Learned counsel for the Respondent strongly objected to allow the Application on the ground that, accident occurred due to sole negligence of the deceased. The compensation is awarded on higher side. Learned counsel further submitted that this Court has already permitted Claimant No.1 to 50% to withdraw the amount. Hence, requested to reject the application.

4. I have heard both learned counsel.

5. Applicants needed the amount for daily expenses and paying education fees. The compensation award of Rs.42,20,224/-. This Court has permitted Claimant No.1 to withdraw Rs.12,50,000/- hence, the Applicant Nos.2 to 5 can be permitted to withdraw Rs.9,00,000/- along with accrued interest thereon, out of the deposited amount. The issue raised by the learned counsel for the Respondent can be considered at the time of final hearing of Appeal.

6. In view of above, I pass following order.

ORDER

i. Application is allowed.

- ii. The Applicants are permitted to withdraw Rs.9,00,000/- along with accrued interest thereon, out of the deposited amount.
- iii. The Applicants to withdraw the amount as per the apportionment fixed by the Tribunal, the applicant shall furnish undertaking.

. Interim Application stands disposed of.

(SHIVKUMAR DIGE, J.)