

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

**INTERIM APPLICATION NO. 8559 OF 2024
IN
FIRST APPEAL NO. 35 OF 2024**

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Ranjana Pradip Dudhane & Ors.

....Applicants

IN THE MATTER BETWEEN

Maharashtra State Road Transport
Corporation Limited M.S.R.T.C. Pune

....Appellant

Versus

Ranjana Pradip Dudhane & Ors.

....Respondents

Mr. Narayan G. Raokade, Advocate for the Applicant/Respondent
Nos.1 to 3.

Mr. Manjeet Lotankar i/b Mr. D. D. Rananaware, Advocate for the
Appellant/Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th MAY, 2024.

P.C. :

1. By this application, Applicants are seeking withdrawal of
the amount.

2. Learned counsel for the Applicants submits that deceased
was the sole earning member of Applicants' family. Applicants have
no source of income. Applicants need the amount for their daily

expenses. Hence, requested to allow the Application.

2. Learned counsel for the Appellant/Insurance Company submits that accident occurred due to sole negligence of the deceased at the time of accident, he was not wearing helmet but this fact is not considered by the Tribunal. Hence, requested to reject the Application.

3. I have heard both learned counsel.

4. Deceased was the sole earning member of Applicants' family. Applicants need the amount for their daily expenses. Applicants have no source of income. The issue raised by learned counsel for the Appellant/Insurance Company can be considered at the time of final hearing of the Appeal and, I pass following order:

ORDER

- i. Application is allowed.
- ii. Applicant is permitted to withdraw 40% amount out of deposited amount along with accrued interest thereon, on furnishing undertaking.
- . The interim application stand disposed.

(SHIVKUMAR DIGE, J.)