

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

INTERIM APPLICATION NO. 1942 OF 2024

IN

FIRST APPEAL NO. 393 OF 2021

Jyoti Rahul Borade and ors.

.... Applicants/
Original Claimants.

In the matter of :

Maharashtra State Road Transport Corporation	...	Appellant
versus		
Jyoti Rahul Borade and ors.		Respondents

Ms. Pooja Joshi, Advocate for the Applicants/claimants.

Mr. Aniket Nangare i/b. Mr. Nitesh V. Bhutekar Advocate for the Appellant-Corporation.

CORAM : SHIVKUMAR DIGE, J.

DATE : 26th FEBRUARY, 2024.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for the appellant-Corporation.
2. Learned counsel for the applicants submitted that the deceased was the sole earning member of the applicants' family. After the death of deceased, the applicants have no source of income. The applicants need the amount for their daily expenses. Hence, requested to allow the application.
3. Learned counsel for the appellant-Corporation strongly objected to allow the application on the ground that the accident occurred

due to negligence of the deceased but the Tribunal has not considered this fact and the income of the deceased is considered on higher side. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The deceased was the sole earning member of the applicants' family. After the death of deceased, the applicants have no source of income. The applicants need the amount for their daily expenses. The ground raised by the appellant-Corporation can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

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.)