

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

**INTERIM APPLICATION NO.10247 OF 2024
(for withdrawal)
WITH
FIRST APPEAL STAMP NO. 12407 OF 2024
with
INTERIM APPLICATION NO.8154 OF 2024
(FOR DELAY)
AND
INTERIM APPLICATION NO.8155 OF 2024
(FOR STAY)**

1. Machindra Khandu Salve and 2 ors. ... Applicants

In the matter of

Maharashtra State Road Transport Corporation ... Appellant
through Divisional Controller, Nashik

versus

Radha Machhindra Salve (Deceased) through Respondents
1. Machindra Khandu Salve and ors.

Mr. Pritesh K. Bohade, Advocate for the Applicants/claimants.

Mr. Prathamesh Mandlik i/b. Mr. Nitesh Bhutekar, Advocate for the Appellant.

CORAM : ARUN R. PEDNEKER, J.

DATE : 30th JULY, 2024.

P.C. :

1. I have already passed an order in first appeal stamp No.12392 of 2024, the same facts are applicable to the instant case also.

2. However, the instant case relates to death claim. The claimants are dependents of the deceased. Applicant Nos.2 and 3 are minor

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children and applicant No.1 is the husband of the deceased. I deem it appropriate to permit applicant No.3 to withdraw 60% of the amount to the extent of his share along with accrued interest thereon as deposited by the MSRTC before the Tribunal subject to the filing of an undertaking to the satisfaction of the Presiding Officer of the Tribunal. The share of the minor claimants (applicant Nos.2 and 3) as well as the balance amount to remain deposited in any Nationalised Bank. Interim Application No.10247 of 2024 is accordingly allowed and disposed of.

3. Interim Application No.8154 of 2024 is filed for condonation of delay of 128 days occurred in filing the first appeal. For the reasons stated therein, the delay is condoned. The application is allowed and disposed of. The first appeal be registered.

4. The first appeal is admitted.

5. On admission, Mr. Bohade, learned counsel, waives service of notice on behalf of respondents.

6. The stay to the judgment and order passed by the Tribunal, granted earlier, stands confirmed till the final disposal of the appeal. Interim Application No.8155 of 2024 stands disposed of.

(ARUN R. PEDNEKER, J.)