

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

INTERIM APPLICATION NO. 8581 OF 2024
IN
FIRST APPEAL NO. 1846 OF 2024

Vijaya Vishnu Patange And Ors. Applicants

IN THE MATTER BETWEEN

M/s. Maharashtra State Roadways Transport
Corporation (MSRTC), Thr. Gen. Manager Appellant

Versus

Vijaya Vishnu Patange And Ors. Respondents

Mr. Sachin Panale, for the Applicants.
Mr. D. D. Rananaware, for the Appellant/Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th NOVEMBER, 2024.

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P.C. :

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

2. It is contention of learned counsel for the Applicants that the deceased was the sole earning member of Applicants' family. They have no source of income. They needs the amount for their daily expenses. Hence, requested to allow the application.

3. It is contention of learned counsel for the

Appellant/Insurance Company strongly objected to allow the application on the ground that at the time of accident, deceased was driving in high and excessive speed and in negligent manner and by overtaking other vehicles. In spite of that the Tribunal has considered only 20% negligence of the deceased and 80% of MSRTC. Hence, requested to reject the application.

4. I have heard both learned counsel. Perused the judgment and order passed by the trial Court. The Applicants have no source of income. They need the amount for their daily expenses. The issue raised by learned counsel for Appellant/Insurance Company can be considered at the time of final hearing of the appeal. Considering these facts, I pass the following order:

ORDER

- i. Application is allowed.
- ii. 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.)