

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 12548 of 2024
in
FIRST APPEAL STAMP NO. 2540 of 2024

Swati Sanjay Valanju and ors. ... Applicants

Maharashtra State Road Transport Corporation ... Appellant
through Divisional Controller
versus

Swati Sanjay Valanju and ors. Respondents

Ms. Varsha Chavan, Advocate for Applicants.

Mr. Abhijeet B. Phulsundar i/b. Mr. D. D. Rananaware, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd NOVEMBER, 2024.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for appellant-Insurance Company.
2. By this application, the applicants are seeking withdrawal of the amount. Learned counsel for the applicants submits that the deceased was the sole earning member of the applicants' family. The applicants have no source of income, they need the amount for their daily expenses. Hence, requested to allow the application.
3. Learned counsel for appellant - Insurance Company strongly objected to allow the application on the ground that Tribunal has awarded

compensation on higher side without any evidence on record and this fact is challenged by appellant before this Court, hence, requested to reject the application.

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

O R D E R

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.)