

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE SIDE JURISDICTION**  
**INTERIM APPLICATION NO. 13625 OF 2024**  
**IN**  
**FIRST APPEAL NO. 1728 OF 2024**

Amruta Ulhas Sarang .... Applicant

**IN THE MATTER BETWEEN**

Maharashtra State Road Transport Corporation, .... Appellant  
Mumbai

**Versus**

Amruta Ulhas Sarang and Ors. .... Respondents

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Mr. Avadhut Bidaye, for the Applicant.

Mr. D. D. Ranaware, for the Appellant/Corporation.

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**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 18<sup>th</sup> DECEMBER, 2024.**

**P.C. :**

1. By this application, Applicant is seeking withdrawal of the amount.
2. It is contention of learned counsel for the Applicant that deceased was the sole earning member of Applicant's family. They

have no source of income. They need the amount for daily expenses. Hence, requested to allow the application.

3. It is contention of learned counsel for the Appellant/Corporation strongly objected to allow the application on the ground that accident occurred between two motorcycle. The motorcycle of the deceased was dashed with the other vehicle and deceased fell down on road and he came under the left rear wheel of the bus. Therefore, there was no fault on the part of the bus driver but this fact is not considered by the Tribunal and has passed the impugned judgment and order. Hence, requested to reject the application.

4. I have heard both learned counsel.

5. The deceased was the sole earning member of Applicant's family. They have no source of income. They need the amount for their daily expenses. The issue raised by the learned counsel for the Appellant/Corporation can be considered at the time of final hearing of the appeal.

6. In view of above, I pass following order:

**ORDER**

i. Application is allowed.

- ii. The Applicant is permitted to withdraw the 25% amount along with accrued interest thereon, by furnishing usual undertaking.

The application stands disposed of.

( SHIVKUMAR DIGE, J.)