

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
INTERIM APPLICATION NO. 14528 OF 2024
IN
FIRST APPEAL (ST) NO. 5219 OF 2024

Samruddhi Dinesh Mali Minor Thr. Anant Applicants
Vithoba Mali (Grandfather) And Ors.

IN THE MATTER BETWEEN

The Divisional Manager Maharashtra State
Road Transport Corporation, Ramwadi, Pen. Appellant

Versus

Samruddhi Dinesh Mali Minor Thr. Anant Respondents
Vithoba Mali (Grandfather) And Ors.

Mr. Vijay B. Dige a/w Kejal Sakpal, for Applicant Nos.1 to 5.
Ms. Priyanka Lanke i/b Mr. Nitesh Bhutekar, for the
Appellant/Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th NOVEMBER, 2024.

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 need 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, accident occurred due to negligence of the deceased. The Tribunal has awarded the compensation amount on higher side. 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 thereon, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)