IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15972 OF 2024
IN
FIRST APPEAL (ST) NO.23664 OF 2021

Reshmabai Kisan Chaudhari and ors.	....	Applicants
In the matter of		
Gujarat State Road Transport Corporation through its Divisional Controller	...	Appellant
versus		
Reshmabai Kisan Chaudhari and ors.	....	Respondents

NILAM SANTOSH KAMBLE
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Date: 2024.12.18 18:14:22 +0530

Mr.Pritesh K. Bohade, Advocate for the Applicant.
Ms.P.M. Bhansali a/w Ms.Rajlaxmi Punjabi, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th DECEMBER, 2024.

P.C. :

. Heard learned counsel for the Applicants.

2. The learned counsel for the Applicants submit that the deceased was sole earning member of Applicant's family. The Applicants needs the amount for their daily expenses. They have no source of income. Hence, requested to allow the Application.

3. The learned counsel for the Respondent-Corporation has

objected to allow the Application on the ground that the accident occurred due to sole negligence of the deceased, and he was riding motorcycle and gave dash to the offending bus. The driver of the offending bus stepped into the witness box and stated that he blew the horn, in spite of that, ignoring it the deceased gave dash to the offending bus. This fact is not considered by the Tribunal and pass impugned order. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was only earning member of the family, the Applicant's needs the amount for their daily expenses. They have no source of income. The issue raised by the Respondent can be considered at the time of the final hearing. Hence, I pass following order.

ORDER

(i) The Application is allowed.

(ii) The Applicants are permitted to withdraw 30% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)