

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11350 OF 2025
IN
FIRST APPEAL(ST) NO. 34934 OF 2024

Chhaya Jaywantrao Nalawade And Others. ...Applicants

IN THE MATTER BETWEEN :

Maharashtra State Road Transport
Corporation Ltd. Mumbai Through the Secretary ...Appellant
Versus

Chhaya Jaywantrao Nalawade And Others. ...Respondents

Mr. Sarthak Diwan, Advocate for the Applicant
Mr. D.D. Ranaware a/w Mr. Shubham S. Dhoble, Advocate for the
Respondent – MSRTC.

CORAM : SHIVKUMAR DIGE, J.

DATE : 9th DECEMBER, 2025.

P.C.

1. Heard learned counsel for the applicants and learned counsel for Appellant- Corporation.
2. Learned counsel for the applicants submitted that the deceased was the Karta of the applicants' family, he was the only earning member of the applicants' family. Due to tragic death of the deceased, the applicants suffered irreparable, financial and

psychological loss. The applicants needs the amount for their daily expenses. Hence, requested to allow the application.

3. Learned counsel for Appellant - Corporation objected to allow the application on the ground that the accident occurred due to negligence of the deceased. The tribunal has considered the income of the deceased on higher side. 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 need the amount for their daily expenses. The applicants have no source of income. The grounds raised by the appellant- Corporation can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

1. The application is allowed.
2. The applicants are permitted to withdraw 50% amount along with accrued interest thereon out of the deposited amount on furnishing usual undertaking.
3. The application is disposed off.

(SHIVKUMAR DIGE, J.)