

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14513 OF 2024
IN
FIRST APPEAL (ST) NO.30936 OF 2023

Sonali Vishal Khanvilkar & Ors. Applicants

V/s.

Maharashtra State Road Transport Respondent
Corporation, Thr. Its Divisional Manager

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Mr. Navin C. Sheth, for the Applicant in IA No.14513 of 2024
and for Respondent Nos.1 to 4 in FAST.

Mr. Prathamesh Mandlik i/b Mr. Nitesh Bhutekar, for the
Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th JANUARY 2025

P.C:-

1. 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 need 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 has objected
to allow the Application on the ground that the accident occurred

due to sole negligence of the deceased, the Tribunal has considered monthly income of the deceased on higher side. 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 40% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)