

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.14656 OF 2024
WITH
INTERIM APPLICATION NO.14657 OF 2024
IN
FIRST APPEAL STAMP NO.28371 OF 2024**

Maharashtra State Road
Transport Corporation
vs.
Amruta Abheejit Helekar & Ors.

...Applicant/Appellant
...Respondents

WITH
INTERIM APPLICATION NO.6482 OF 2025
IN
FIRST APPEAL STAMP NO.28371 OF 2024
WITH
FIRST APPEAL STAMP NO.28371 OF 2024

Amruta Abheejit Helekar & Ors. ...Applicants

Maharashtra State Road
Transport Corporation ...Appellant

vs.

Amruta Abheejit Helekar & Ors. ...Respondents

Mr. Abhijeet B. Phulsundar i/b Mr. D. D. Rananaware for the Applicant/
Appellant in IA Nos.14656/2024, 14657/2024 and Appellant in FAST
No.28371/2024.

Mr. Bharat Gadhavi with Aniket Shitole for the Respondent in IANos. 14656/2024, 14657/2024 and Respondent in FAST No.28371/2024 and Applicant/Respondent in IA No.6482/2025.

CORAM : SHYAM C. CHANDAK, J.

DATED : 27th MARCH 2025

P. C. :

INTERIM APPLICATION NO.14656 OF 2024

. Present Application seeks condonation of 100 days delay in filing the aforesaid Appeal.

2) Heard learned Advocates for the parties. Perused the Application.

3) Considering the grounds stated in the Application, the delay of 100 days is condoned. Appeal be registered.

4) Application is disposed of accordingly.

INTERIM APPLICATION NO.14657 OF 2024

. Heard.

2) Learned Advocate for the Applicant stated that the Applicant has deposited entire compensation amount along with accrued interest, in the Tribunal.

3) In view thereof, the interim stay granted *vide* order dated 4th December 2024, shall be operative till the disposal of the Appeal.

4) Application stands disposed of.

INTERIM APPLICATION NO.6482 OF 2025

. Present Application filed by the Applicants-claimants are seeking permission to withdraw 70% of the compensation amount along

with accrued interest.

- 2) Heard learned Advocates for the parties.
- 3) Learned Advocate for the Appellant opposed the Application.
- 4) Applicant No.1 is widow and Applicant No.3 is mother of the deceased. The permission to withdraw 70% of the compensation by the Applicants is based on the ground that the deceased was sole bread winner of the family. The aforesaid amount is required for domestic, educational expenses of the daughter and other expenses of the family. Applicant No.3 is the aged mother of the deceased. However, the Applicant No.2 is minor.
- 5) In view thereof and considering other reasons stated in the Application, Applicant Nos.1 and 3 are permitted to withdraw 50% of the compensation amount of their share with proportionate interest subject to furnishing an undertaking that in case the Appellant succeeds in this Appeal, Applicant Nos.1 and 3 would refund the said amount along with interest as would be directed by this Court. The Tribunal shall invest remaining amount with Nationalised bank giving highest interest from time to time.
- 6) Application is disposed of accordingly.

FIRST APPEAL STAMP NO.28371 OF 2024

. Issue notice to the Respondents, returnable on **22nd April 2025**.

2) Mr.Gadhavi, learned Advocate waives service on behalf of the Respondents. In addition to the Court's notice the Appellant to serve the Respondents by private notice and file the affidavit of service on or before the returnable date. ***Hamdast*** allowed.

(SHYAM C. CHANDAK, J.)