

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9297 OF 2025

IN

FIRST APPEAL NO. 1512 OF 2025

Sani Ramu Bij And Ors.

... Applicants

IN THE MATTER OF

Maharashtra State Road Transport

... Appellant

Versus

Sani Ramu Bij And Ors.

... Respondents

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Ms. Rina Kundu, Advocate for the Applicants.

Mr. Amit A. Gharte, Advocate for the the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATED : 29th JULY, 2025.

P. C. :

1. By this application, applicants are seeking withdrawal of amount.
2. It is the contention of learned counsel for the applicants that deceased was a sole earning member of applicant's family. Applicants have dependent on the income of deceased. Applicants need the amount for daily expenses and they have no source of income. Hence, requested to allow the application.
3. It is contention of learned counsel for the appellant-Corporation that accident occurred due to contributory negligence of the deceased and at the time of accident the deceased was not holding effective and valid

driving licence but this fact is not considered by the Tribunal, hence requested to reject the application.

4. I have heard both the learned counsel. The deceased was the sole earning member of the applicants' family. Applicants have no source of income. Applicants need the amount for daily expenses. The grounds raised by the appellant / Corporation can be considered at the time of final hearing of the appeal. Hence, considering this fact, I pass following order :

ORDER

- (i) The application is allowed.
 - (ii) The applicants are permitted to withdraw Rs.15 lakhs out of remaining amount of Rs.31,31,061/- along with accrued interest thereon on out of deposited amount on furnishing usual undertaking.
5. The Interim application is disposed of.

(SHIVKUMAR DIGE, J.)