

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9710 OF 2025  
IN  
FIRST APPEAL (ST) NO. 21832 OF 2024

Nayanesh Ramakant Kini and Anr. .... Applicants

**IN THE MATTER BETWEEN**

Maharashtra State Road Transport Corporation .... Appellant  
Palghar Depot.

**Versus**

Nayanesh Ramakant Kini and Anr. .... Respondents

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Ms. Varsha Nichani, Advocate for Applicant No.2.  
Mr. D. D. Rananaware, Advocate for the Appellant - Corporation.  
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**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 8<sup>th</sup> JULY, 2025.**

**P.C. :**

1. By this application, the Applicants are seeking withdrawal of the amount.
2. Learned counsel for the Applicant No.2 submits that the deceased was the sole earning member of Applicants' family. They have not source of income. They need the amount for their daily expenses. Hence, requested to allow the application.
3. Learned counsel for the Appellant – Corporation submits

that accident occurred due to sole negligence of the deceased and income of the deceased is considered on higher side on that basis compensation is awarded on higher side, but this fact is not considered by the Tribunal, and requested to reject the application.

4. I have heard both learned counsel.

5. The deceased was the sole earning member of the Applicants' family. They have no source of income. They need the amount for their daily expenses. The issue raised by the Appellant – Corporation can be considered at the time of final hearing of the appeal, and I pass following order :

**ORDER**

- i. The Application is allowed.
- ii. The Applicants are permitted to withdraw 50% amount along with accrued interest thereon, on furnishing undertaking.
- . The interim application stands disposed of.

( SHIVKUMAR DIGE, J.)