

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10105 OF 2025

IN

FIRST APPEAL(ST) NO. 13347 OF 2025

Dilip Mhasu Pimpale and Anr.

... Applicants

IN THE MATTER OF

Maharashtra State Road Transport Corporation

... Appellant

Versus

Dilip Mhasu Pimpale And Ors.

... Respondents

.....

Mr. Pritesh K.Bohade, Advocate for Applicants.

Mr. D.D.Rananaware, Advocate for Appellant in FA(St)/13347/2025.

CORAM : SHIVKUMAR DIGE, J.

DATED : 17th 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 were 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 sole negligence of the rider of the motorcycle. The offence was registered against him. He was chargesheeted but the

Tribunal has held 25% liability of the bus driver, which is erroneous, 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 / Insurance Company 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 40% amount out of deposited amount along with accrued interest thereon on out of deposited amount on furnishing usual undertaking.

5. The Interim application is disposed of.

(SHIVKUMAR DIGE, J.)