

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 10537 OF 2025
IN
FIRST APPEAL NO. 1385 OF 2025

Shalan Sadashiv Kulal And Ors

... Applicants

IN THE MATTER OF

The Divisional Manager, Maharashtra State Road
Transport Corporation

... Appellant

Versus

Shalan Sadashiv Kulal And Ors

... Respondents

.....

Mr. Avesh Ghadge, Advocate for the Applicants.

Mr. D.D.Rananaware, Advocate for 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. Learned counsel for the appellant- Insurance company strongly objected to allow the application on the ground that the Tribunal has awarded compensation on higher side and defence raised by the

Corporation is not considered by the Tribunal. Learned counsel further submitted that, earlier the applicants were permitted to withdraw compensation amount hence again they cannot be permitted to withdraw the compensation amount.

4. It is contention of learned counsel for the applicants that earlier applicant Nos. 1 and 5 to 7 were permitted to withdraw the amount but the applicants needs the further withdrawal of amount for daily expenses so as to maintain the family of seven members.

5. 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 Rs.10 lakh along with accrued interest thereon out of deposited amount on furnishing usual undertaking.

6. The Interim application is disposed of.

(SHIVKUMAR DIGE, J.)