

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.10999 OF 2025
IN
FIRST APPEAL NO. 1337 OF 2017

Kum.Prem Jaykumar Patil (Minor) Applicant

V/s.

Brihan Mumbai Mahanagar Palika, Thr. Respondent
The General Manager

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Ms.Varsha Chavan, for the Applicant.

Ms.Karishma Jhaveri i/b Navdeep Vora & Associates, for the
Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th AUGUST 2025

P.C:-

. Heard learned counsel for the Applicant.

2. By this Application, the Applicant is seeking withdrawal
of the amount.

3. The learned counsel for the Applicants submit that the
Applicant is son of the deceased. Earlier this Court has permitted to
withdraw the amount to other Claimants i.e. parents and widow of the
deceased. At that time, the Applicant was minor. Hence, Applicant
could not file the Application for withdrawal. Now the Applicant is

major, he needs the amount for education requested to allow the Application.

4. The learned counsel for the Respondent-Corporation has objected to allow the Application on the ground that accident occurred due to sole negligence of the deceased, the Tribunal has considered monthly income of the deceased on higher side. Hence, requested to dismiss the Application.

5. I have heard both the learned counsel.

6. The deceased was only earning member of the family, the Applicant needs the amount for his education. He has no source of income. The issue raised by the Respondent can be considered at the time of the final hearing. Hence, I pass following order.

ORDER

(i) The Application is allowed.

(ii) The Applicants are permitted to withdraw Rs.5,00,000/- amount from deposited amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)