

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.98 OF 2026
IN
FIRST APPEAL NO.1681 OF 2025

Ranjana Tanaji Choughule and others ... Applicants

IN THE MATTER BETWEEN:

Maharashtra State Road Transport Corporation ... Appellant

Versus

Ranjana Tanaji Choughule and others ... Respondents

Mr. Shankar Katkar, for the Applicants.

Mr. Shubham Dhoble i/b Mr. D.D. Ranaware, for Respondent – MSRTC.

CORAM : M. M. SATHAYE, J.

DATE : 01.04.2026.

P. C. :

1. Heard learned counsel for the parties.
2. This is an Application for withdrawal of the amount deposited by the original Appellant (MSRTC) in a case arising out of Motor Accident Claim.
3. Learned counsel for the Applicants submitted that the Applicants are claimants, being mother and siblings of the deceased, who was bachelor of 21 years of age at the time of the accident. He submitted that the deceased was the sole earning member of the family and Applicant No.1 being mother of other Applicants, needs money for her livelihood and supporting other Applicants who are taking education.
4. On the other hand, learned counsel for the Appellant contended that income assessed by the Tribunal is on the higher side because there is no

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documentary evidence to prove the alleged income from agriculture and alleged work of centering. He pointed out that in paragraph 20 of the impugned order, the contractor examined as P.W.2 has been found as a got-up witness and therefore, reliance cannot be placed on certificate issued about wages.

5. Perused the impugned order, especially paragraph Nos.17 to 21.

6. Considering that the Tribunal has already disbelieved P.W.2 for the purpose of assessing income and has proceeded on the basis of case that the deceased was working with construction company on contractual basis, income of Rs.10,000/- per month is taken as basis.

7. In that view of the matter, 50% withdrawal can be permitted to the Applicants on undertaking.

8. Hence, **the Application is partly allowed** by passing the following order;

(i) Subject to filing an undertaking in the concerned Tribunal, stating that the amount withdrawn shall be subject to final outcome of the Appeal and it shall be brought back with accrued interest if so directed by the Court; the Applicants jointly are permitted to withdraw 50% of the amount deposited with accrued interest, if any.

(ii) Remaining amount be invested as per prevailing practice.

9. All concerned to act on duly authenticated or digitally signed copy of this order.

[M. M. SATHAYE, J.]