

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.17850 OF 2023
IN
FIRST APPEAL NO.822 OF 2023**

Smt.Geetaben Jitendrakumar @ JituApplicants
Vithalbhai Panchal & Ors.

V/s.

Bajaj Allianz General Insurance Co. Ltd.,Respondents
Thane & Anr.

Ms.Rina Kundu, for the Applicants.

Mr.D.S. Joshi, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th DECEMBER 2023

P.C:-

. Heard learned counsel for the Applicants.

2. The learned counsel for the Applicants submit that, the deceased was sole earning member of Applicant's family. The Applicants needs the amount for their daily expenses. They are facing starvation as there is no source of income. Hence, requested to allow the Application.

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3. The learned counsel for the Respondent has objected to allow the Application on the ground that, issue of the non-involvement of the vehicle was raised before the Tribunal and no co-relation between accidental injuries and death. But this fact is not considered by the Tribunal. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was only earning member of the family, the Applicants needs the amount for their daily expenses. They have no source of income. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicants are permitted to withdraw 25% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)