

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9743 OF 2024

IN

FIRST APPEAL STAMP NO. 3191 OF 2024

Jayshree Ashok Sakat and Ors.

... Applicants

Versus

Shankar Narayan Patil and Anr.

... Respondents

.....

Mr. Mahesh S. Pawar i/b. Ms. Leena Patil, Advocate for Applicants.

Mr. Avesh Ghadge i/b. Mr. Akshay Kulkarni, Advocate for Respondents.

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CORAM : SHIVKUMAR DIGE, J.

DATED : 19th DECEMBER, 2024.

P.C. :

1. By this application, applicant is seeking withdrawal of amount.
2. It is contention of learned counsel for the applicants that deceased was the sole earning member of the applicants' family. Applicants were dependent on the income of deceased. Applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the application.
3. It is contention of learned counsel for the respondents that accident occurred due to sole negligence of rider of motorcycle. Deceased was the pillion rider of the motorcycle so there was contributory negligence of the deceased in the said accident but this fact is not considered by the Tribunal and 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 need the amount for their daily expenses. Applicants have no source of income. The grounds raised by the respondents 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 the 50% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.
5. Interim application is disposed off.

(SHIVKUMAR DIGE, J.)