

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

**INTERIM APPLICATION NO.569 OF 2024
IN
FIRST APPEAL NO. 1009 OF 2023**

Jasmita Parvesh Raghori & Ors.Applicants

V/s.

Nayantara Yashwant PurohitRespondent

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Mr.Akshay R. Kulkarni i/b Mr.Sarthak Diwan, for the Applicants.
Mr.T.J. Mendon, for Respondent Nos.1 to 4.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th JANUARY 2024

P.C:-

1. Heard learned counsel for the Applicants.

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

3. The learned counsel for the Respondent has objected to allow the Application on the ground that, the accident

occurred due to sole negligence of the deceased and the Tribunal has not considered this fact and wrongly fixed liability on the Insurance Company, which is not proper. 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. The issue raised by the learned counsel for the Respondent can be considered at the time of the final hearing of the Appeal. Hence, I pass following order.

ORDER

(i) The Application is allowed.

(ii) The Applicants are permitted to withdraw 20% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)