

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14035 OF 2023
IN
FIRST APPEAL NO.936 OF 2023

Anju Shivkumar Vishwakarama & Ors. Applicants

V/s.

Municipal Corporation of Gr. Mumbai Respondent

Ms.Varsha Chavan, for the Applicants.

Mr.Santosh Parad, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st MARCH 2024

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 have 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 accident occurred due to sole negligence of the deceased as he was trying to

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overtake and accident is occurred, 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. 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 25% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)