

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

**INTERIM APPLICATION NO. 14715 OF 2023
IN
FIRST APPEAL NO. 946 OF 2023**

Sangita Kailas Sawant & Ors.

....Applicants

Versus

Lieutenant Colonel Thr. AIR
Officer Commanding & Ors.

....Respondents

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Mr. P. K. Bohade, Advocate for the Applicants.

Mr. M. S. Lagu a/w Mr. Sagar Patil, Advocate for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th JANUARY, 2024.

P.C. :

1. It is contention of learned counsel for the Applicants that deceased was the sole earning member of Applicants' family. Applicants have no source of income. They need the amount for daily expenses. Hence, requested to allow the Application.

2. It is contention of learned counsel for the Respondent that issue was raised before the trial Court about the involvement of the

vehicle but it was not considered by the Tribunal hence, requested to reject the Application.

3. I have heard both learned counsel. Deceased was the sole earning member of Applicants' family. They have no source of income. They need the amount for daily expenses. The issue raised by the learned counsel for the Respondent can be considered at the time of final hearing of the Appeal. Hence, I pass following order;

ORDER

- i. Application is allowed.
- ii. Applicants are permitted to withdraw 25% amount along with accrued interest thereon, on furnishing undertaking.
- iii. Application is disposed of.

(SHIVKUMAR DIGE, J.)