

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

**INTERIM APPLICATION NO.1663 OF 2024
IN
FIRST APPEAL NO.20 OF 2020**

Prabhakar Yashwant Upasani & Anr.Applicants

V/s.

Divisional Manager,Respondents
The United India Insurance Co. Ltd. &
Ors.

Mr.Yogesh Pande, for the Applicants.

Mr.Ketan Joshi, for the Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th FEBRUARY 2024

P.C:-

. Not on board. Since, the First Appeal No.20 of 2020 is on board, hence, connected Interim Application is taken on board for hearing.

2. Heard learned counsel for the Applicants and learned counsel for Respondent No.1.

3. The learned counsel for the Applicants submits that the deceased was sole earning member of Applicants' family. The

Applicants needs the amount for their daily expenses. They have no source of income. Hence, requested to allow the Application.

4. The learned counsel for the Respondent has objected to allow the Application on the ground that the offending vehicle was not involved in the accident. Moreover, two different Claim Petitions were filed in respect of the same accident, but this fact is not considered by the Tribunal, hence, requested to dismiss the Application.

5. I have heard both learned counsel.

6. The deceased was the only earning member of the Applicants' 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 No-1-Insurance Company 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 25% amount out of the remaining apportionment of the Applicants on furnishing undertaking.

(SHIVKUMAR DIGE, J.)