

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.9208 OF 2024
IN
FIRST APPEAL (ST) NO.12794 OF 2019

Smt.Mangala Sanjay Thakuar & Ors. Applicants

V/s.

Shri.Deepak Amrut Valvi & Anr. Respondents

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Ms.Harshada Manohar Rane, for the Appellant and for the
Applicant in CAF No.115 of 2024 and CAF No.87 of 2022.
Mr.Vilas Ramchandra More, for Respondent Nos.1 to 4.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th NOVEMBER 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 the accident occurred
due to sole negligence of the deceased, three persons were riding

on the motorcycle in spite of that, the Tribunal has fixed 30% liability on the Appellant, which is erroneous. 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 Applicant's 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 50% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)