

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.9742 OF 2024
IN
FIRST APPEAL (ST) NO.3195 OF 2024

Smt.Tejaswini Dattatray Gaikwad & Anr. Applicants

V/s.

Shankar Narayan Patil & Anr. Respondents

Mr.Mahesh Pawar i/b Ms.Leena Patil, for the Applicants.
Mr.Akshay Kulkarni, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th JANUARY 2025

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 Applicant's were dependent on the income of deceased. Applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the Application.

3. The learned counsel for the Respondents have objected to allow the Application on the ground that, deceased

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was solely negligent while riding the motorcycle. The accident occurred due to his sole negligence 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 learned counsel for the Respondent can be considered at the time of 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 out of the deposited amount on furnishing undertaking.

(SHIVKUMAR DIGE, J.)