

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

**INTERIM APPLICATION NO.12556 OF 2024
IN
FIRST APPEAL NO.598 OF 2021**

Shital Dayanand Pai & Anr. Applicants

V/s.

Oriental Insurance Co. Ltd., Kolhapur & Respondents
Ors.

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SANTOSH
KAMBLE**
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Mr.Avesh Ghadge, for Applicants.
Ms.Kalpana Trivedi, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th 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 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, the Tribunal has

considered monthly income of the deceased on higher side.

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.)