

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

**INTERIM APPLICATION NO.9758 OF 2025
IN
FIRST APPEAL NO.775 OF 2025**

Asmita Vijay Jamdade & Ors. Applicants

V/s.

Go Digit General Insurance Ltd. Respondent

**NILAM
SANTOSH
KAMBLE**
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Mr.Mahindra Deshmukh, for Applicant Nos.1 to 5.
Mr.Rajesh Kanojia i/b Res Juris, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th JULY 2025

P.C:-

. Heard learned counsel for the Applicant.

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, but this fact is not

considered by the Tribunal and compensation is awarded on higher side and 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 40% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)