

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

INTERIM APPLICATION NO. 9862 OF 2025

in

FIRST APPEAL NO. 738 OF 2025

Kalpana Rajendra Roka and ors

Applicants

In the matter of

Executive Engineer Tr City, Municipal
Corporation Of Greater Mumbai
versus

Appellant/s

Kalpana Rajendra Roka and ors.

Respondent/s

Mr. T. J. Mendon, Advocate for the Applicants/Claimants.

Mr. Dhrupad Patil along with Ms. Pallavi Khale, Advocate for the Appellant.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd JULY, 2025.

P.C. :

1. Heard learned counsel for the applicants/claimants. and learned counsel for appellant-Insurance Company.
2. Learned counsel for the applicants submitted that the deceased was the sole earning member of the applicants' family. The applicants have no source of income, they need the amount for their daily expenses. Hence, requested to allow the application.
3. Learned counsel for the appellant-Insurance Company objected to allow the application on the ground that the Tribunal has considered income of the deceased on higher side and, on that basis, has

awarded compensation, which is erroneous. Hence, requested to reject the application.

4. I have heard both learned counsel. The deceased was the sole earning member of the applicants' family. The applicants have no source of income, they need the amount for their daily expenses. The ground raised by the appellant-Insurance can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

O R D E R

1. The application is allowed.
 2. The applicants are permitted to withdraw 50% of the deposited amount, along with the accrued interest thereon, upon furnishing the usual undertaking
- The application is disposed of.

(SHIVKUMAR DIGE, J.)