

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

**INTERIM APPLICATION NO.9873 OF 2025
IN
FIRST APPEAL (ST) NO.35683 OF 2024**

Kalpana Sanjay Gavali & Ors. Applicant

V/s.

The New India Assurance Co. Ltd., Respondent
Mumbai

Mr.T.R. Kale i/b Mr.T.J. Mendon, for Applicant Nos.1 to 3.
Mr.Sanddep Jinsiwale, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th JULY 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, at the time of the accident driver of the offending vehicle was not holding effective

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and valid driving license and compensation is awarded 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.)