

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

INTERIM APPLICATION NO. 10226 OF 2025

IN

FIRST APPEAL (ST) NO.22573 OF 2024

Uttam Kondaji Vaje & Ors.

.... Applicants

V/s.

Divisional Manager, The New India Respondents
Assurance Co. Ltd. Mumbai Thr. Legal Hub

Mr.Rajan S. Pawar, for the Applicants.

Mr.Sandeep Jinisiwale, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st 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 offending vehicle was not holding effective and valid permit and 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 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.)