

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

947 CIVIL APPLICATION NO.6453 OF 2022
IN FIRST APPEAL NO.25 OF 2022

SHRIDEVI MADHUKAR TOPE & OTHERS
VERSUS
M/S. ORIENTAL INSURANCE CO. LTD. AURANGABAD &
ANOTHER

...
Advocate for the applicants : Ms.Kirti A.Deshpande h/f.
Mr.M.M.Bhokarikar
Advocate for Respondent no.1 : Mr.V.N.Upadhye
...

CORAM : S.G.DIGE, J.
DATE : 26.07.2022

P.C. :

1] Heard the learned counsel for the applicants
and learned counsel for respondent no.1.

2] The learned counsel for the applicants submits
that respondent no.1 has preferred an Appeal against the
judgment and award passed by the learned Motor Accident
Claims Tribunal, Jalgaon and has deposited the entire
award amount before this Court. The deceased was the
Karta of the applicants' family. There is no source of income

to the applicants and it is difficult for them to survive day by day, hence, requested to allow the present application.

3] The learned counsel for respondent no.1 strongly objected to allow the application on the ground that respondent no.1 has raised various grounds in the appeal. If respondent no.1 succeeds in the appeal, it would be difficult for respondent no.1 to recover the amount from the applicants, hence, requested to dismiss the application.

4] I have heard both learned counsel. Admittedly, husband of respondent no.1, father of respondent nos.2 to 4 and son of respondent no.5 is died in the accident. The learned Tribunal has passed reasoned order. The grounds raised in the appeal by respondent no.1 can be considered at the time of final hearing. The applicants are needed money for day to day survival, hence, I pass the following order :

ORDER

i] The application is allowed.

ii] The applicants are permitted to withdraw 30% amount along with accrued interest thereon by furnishing undertaking and 20% amount by furnishing solvent surety as per their share.

iii] Civil Application is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC