

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

1003 CIVIL APPLICATION NO.12432 OF 2022
IN FIRST APPEAL NO.1033 OF 2022

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VAISHALI BAPPA KATE & OTHERS
VERSUS
RELIANCE GENERAL INSURANCE CO.LTD. AND OTHERS

...

Advocate for the applicants : Mr.Suhas R. Shirsat
Advocate for respondent no.1 : Mr.S.S.Patil h/f.
Mr.R.H.Dahat

...

CORAM : S.G.DIGE, J.
DATE : 30.08.2022

P.C. :

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

2] The learned counsel for the applicants submits that the deceased was the Karta of the family of the applicants. Applicant no.1 is the wife of the deceased and applicant nos.2 and 3 are sons of the deceased. Applicant nos.4 and 5 are the parents of the deceased. After death of deceased, the applicants are facing problem as there is no earning source to them, hence, requested to allow the application.

3] The learned counsel for respondent no.1 submits that respondent no.1 has challenged the impugned judgment and order on various grounds. One of the ground

is that there was contributory negligence of the deceased and income of the deceased is considered on higher side by the Tribunal, hence, requested to dismiss the application.

4] I have heard both learned counsel. The deceased was the farmer. Applicant no.1 is widow and applicant nos.2 and 3 are the sons of the deceased. They have no source of income. They need the amount for daily expenses as well as for education of applicant nos.2 and 3 and medical expenditure of applicant nos.4 and 5. The issue raised by the respondents can be considered at the time of final hearing, hence, I pass the following order:-

ORDER

i] The application is allowed.

ii] The applicants are permitted to withdraw 75% amount along with accrued interest thereon out of deposited amount, as per their share, on furnishing undertaking.

iii] Civil Application is disposed of accordingly.

**[S.G.DIGE]
JUDGE**