

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

972 CIVIL APPLICATION NO.14128 OF 2022
IN FIRST APPEAL NO.1058 OF 2022

SHIVDAS S/O DHAKU KUMBHAR & ANOTHER
VERSUS
NATIONAL INSURANCE CO.LTD. BRANCH OFFICE,
JALGAON & ANOTHER

...

Advocate for Applicants : Mr.P.P.Mandlik h/f. Mr.M.S.Shah
Advocate for Respondent no.1 : Mr.S.R.Bodade

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CORAM : S.G.DIGE, J.
DATE : 13.10.2022

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. He was the son of the applicants. After his death, the applicants have no source of income. They need the amount for daily expenses, hence, requested to allow the present application.

3] The learned counsel for respondent no.1 submits that the Tribunal has considered the notional income of the deceased on higher side. On that basis, the compensation is awarded exorbitantly, hence, requested to dismiss the present application.

4] I have heard both learned counsel. The deceased was the son of the applicants. He was the karta of the family of the applicants. The applicants are the old age persons. They need the amount for daily expenses. Respondent no.1 is disputing the compensation given on higher side. It can be considered at the time of final hearing of the appeal, hence, I pass the 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.
- iii] Civil Application is disposed of accordingly.

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

DDC