

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

1028 CIVIL APPLICATION NO.14488 OF 2022
IN
FIRST APPEAL NO.1684 OF 2022

PARVIN BEE WD/O.SHAIKH RAUF @ PARAVINABI RAUF
SHAIKH & OTHERS
VERSUS
RELIANCE GENERAL INSURANCE CO.LTD.

...
Advocate for the applicants : Mr.P.C.Mayure
Advocate for respondent no.1 : Mr.Swapnil Patil h/f.
Mr.R.H. Dahat

...
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. The applicants were dependent on the income of
the deceased. After the death of the deceased, the
applicants are facing starvation. They have no source of
income. They need the amount for their daily expenses,
hence, requested to allow the application.

3] The learned counsel for respondent no.1 submits that initially, FIR was lodged, stating that the deceased was driving the offending tractor. Later on it was pleaded before the Tribunal that the deceased was working somewhere else and accident occurred. It shows that false involvement of the vehicle. The said fact is disputed before this Court by way of this appeal, hence, requested to dismiss the application.

4] I have heard both learned counsel. The deceased was the Karta of the family of the applicants. The Tribunal has fastened the liability on the respondents considering all the facts. The issue raised by the respondents can be considered at the time of final hearing of the appeal. The applicants needed the amount for their daily expenses, hence, I pass the following order:-

ORDER

i] The application is allowed.

ii] The applicants are permitted to withdraw 25% amount along with accrued interest thereon out of deposited amount on furnishing undertaking. The applicants are also permitted to withdraw 25% amount along with accrued interest thereon out of deposited amount on furnishing solvent surety / security.

iii] Civil Application is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC