

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

32 CIVIL APPLICATION NO.14658 OF 2022
IN FA/499/2022

JAISINGH BHAGWAN NALAWADE (DIED) THR HIS LEGAL HEIRS
SANGEETA JAISING NALAWADE AND ORS
VERSUS
M/S. ORIENTAL INSURANCE CO. LTD., THR ITS ASSTT. MANAGER
(LEGAL HUB) AURANGABAD AND ANR

...
Advocate for Applicants : Mr. Dattatraya R. Markad
Advocate for Respondent No.1 : Mr. Vinayak Narayan Upadhye,
...

CORAM : S. G. DIGE, J.

DATE : 17th October, 2022

PER COURT :-

1. Heard learned counsel for the applicants and learned counsel for respondent No.1.
2. Learned counsel for the applicants submits that the deceased was son of applicant No.1 and brother of applicant No.2. Due to fateful accident, applicant No.1 lost her son. Due to demise of the deceased, there is no source of income for livelihood of the applicants' family. Applicants are facing hardship as they have no money for their livelihood. Hence, requested to allow the application.

3. Learned counsel for respondent No.1 submits that at the time of the accident, the deceased was not holding effective and valid driving licence, hence, respondent No.1 is not liable to pay the compensation. Hence, requested to dismiss the application.

4. I have heard both the learned counsel. The deceased was the earning member of the applicants' family. Applicants need amount for their daily expenses. Issue raised by the learned counsel for respondent No.1 can be considered at the time of final hearing. The Tribunal has already fastened liability on respondents to pay the compensation. Hence, I pass the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicants are permitted to withdraw 50% amount alongwith accrued interest thereon on furnishing undertaking.
- (iii) Application is disposed of.

(S. G. DIGE)
JUDGE