

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

29 CIVIL APPLICATION NO.14605 OF 2022
IN FAST/20942/2022

NASIM BANO SAID AHMAD ANSARI
VERSUS
THE ORIENTAL INSURANCE CO LTD THROUGH ITS BRANCH
OFFICE

Advocate for Applicant : Mr. Mayure Pramod C.
Advocate for Respondent No.1 : Mr. D. P. Deshpande

CORAM : S. G. DIGE, J.

DATE : 17th October, 2022

PER COURT :-

1. Heard the learned counsel for the applicant and learned counsel for respondent No.1.
2. Learned counsel for the applicant submits that deceased was the Karta of the applicant's family. Applicant has no source of income. He is facing starvation. He needs the amount for daily expenses. Hence, requested to allow the application.
3. It is the contention of the learned counsel for respondent No.1 that there was breach of permit. Hence, respondent No.1 is not liable to pay the compensation. The contention of respondent No.1 was not considered by the Tribunal. Hence, requested to dismiss the application.

4. I have heard both the learned counsel. The deceased was Karta of applicant's family. Applicant has no source of income. He needs the amount for daily expenses. The ground raised by respondent No.1 that at the time of accident, the vehicle was not equipped with valid permit. It can be considered at the time of final hearing. Hence, I pass the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant is permitted to withdraw 75% amount alongwith accrued interest thereon out of deposited amount on furnishing undertaking.
- (iii) Application is disposed of.

(S. G. DIGE)
JUDGE

SPT