

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.30243 OF 2022
IN
FIRS APPEAL NO.1170 OF 2019

Shr.Bechra Ramji Mujjat & Anr. ...Applicants

Versus

Reliance General Insurance Co. Ltd. ...Respondent

Mr.Teupal S. Ingale, for the Applicants.

Ms.Megha Keluskar i/b Ms.Shalini Sharkar, for the Respondent.

CORAM : S.G. DIGE, J.

DATE : 15 DECEMBER 2022

P.C:-

. Heard learned counsel for the Applicants and the learned counsel for the Respondent.

2. The learned counsel for the Applicants submit that deceased was unmarried son of the Applicants. The accident took place on 23 September 2014, since then, they have not received any compensation amount. The Applicants have spend almost Rs.6,12,279/- on medical expenses of deceased they have borrowed the amount from their relatives.

3. The Applicants business has come to stand still because of the Covid pandemic and it is difficult for them to maintain family. The Applicants need the amount for their medical expenses and day to day activities. Hence, requested to allow the Application.

4. The learned counsel for the Respondent objected to allow the Application on the ground that the Tribunal has awarded exorbitant and excessive compensation. The Tribunal has not considered the evidence put forth by the Respondent. If Respondent succeeds in the Appeal it would be difficult to the Respondent to recover the amount from the Applicants. Hence, requested to dismiss the Application.

5. I have heard both the counsel.

6. The deceased was unmarried son of the Applicants. They are old age persons, they have borrowed the amount from their relatives for medical expenses of deceased. Due to pandemic their business has come to stand still, they require the amount for their medical expenses and day to day activities. The issue raised by the Respondent can be considered at the time of the final hearing. Hence I pass following order.

ORDER

(i) The Application is allowed.

(ii) The Applicants are permitted to withdraw 50% amount along with accrued interest thereon out of the deposited amount by the Respondent on furnishing undertaking.

(iii) The Application is disposed of.

(S.G. DIGE, J.)