

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 424 OF 2019
IN
FIRST APPEAL NO. 1036 OF 2017**

Shri Dilip Manohar Jawalkar and anr.	Applicants/ Orig Respondent Nos.1 & 2.
In the matter of Future Generali India Insurance Co. Ltd.	Appellant
Versus Shri Dilip Manohar Jawalkar and ors.	Respondents

Ms. Amrin Khan along with Ms. Kiran Yadav i/b. Mr. Avinash
Gokhale, Advocate for the Applicants.
Mr. D. R. Mahadik, Advocate for the Appellant.

CORAM : S. G. DIGE, J.

DATE : 13th DECEMBER, 2022.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for the respondents.

2. Learned counsel for the applicants submits that the applicants are the parents of the deceased. The deceased was the Karta of the applicants' family. There is no source of income to the applicants after the death of deceased, they are suffering from

starvation. The applicants were dependent on the deceased for their survival, the lockdown has further damaged their financial condition. They need the amount for their daily survival and medical expenses. Hence, requested to allow the application.

3. Learned counsel for the respondents strongly objected to allow the application on the ground that the Tribunal has awarded 90% amount as future prospects. The income of the deceased is considered on higher side, excessive and exorbitant compensation is awarded by the Tribunal. Hence, requested to dismiss the application.

4. I have heard both learned counsel. Admittedly, the deceased was the son of the applicants. The applicants are old aged persons, they have no source of income. They require the amount for their daily expenses and medical treatment. The issue raised by the respondents can be considered at the time of final hearing. Hence, I pass the following order :

(i) The application is allowed.

- (ii) The applicants are permitted to withdraw 25%, out of the amount deposited by respondent No.4 along with interest accrued thereon, on furnishing undertaking.

The interim application is, accordingly, disposed of.

(S. G. DIGE, J.)