

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1808 OF 2023
IN
FIRST APPEAL NO.484 OF 2020**

Smt. Shila Chandrakant Patil & Ors. ...Applicants

Versus

Liberty Videocon Insurance Co. Ltd. ...Respondent

Mr.A.R. Joshi i/b Ms.Shraddha S. Pawar, for the Applicants.

Mr.Rajesh Kanojia a/w Ms.Nikita Singh i/b Res Juris, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18 APRIL 2023

P.C:-

. Heard learned counsel for the Applicants.

2. The learned counsel for the Applicants submits that the deceased was sole earning member of the Applicant's Family. The Applicants are the agriculturalists. The Applicants have no source of income. They needs the amount for their daily expenses. Hence, requested to allow the Application.

3. The learned counsel for the Respondent-Insurance Company objected to allow the Application on the ground that accident occurred in the agricultural field of the deceased. It

cannot be termed public premises. It is private place. But this fact was not considered by the Tribunal and on that basis exorbitant and excessive compensation is awarded. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was sole earning member of the Applicant's family. The Applicants have no source of income. The Applicants needs the amount for daily expenses. The Tribunal has not considered the issue raised by the Respondent-Insurance Company and thereby passed the order. If this Court permitted the Applicant to withdraw the amount on undertaking, if the Respondent-Insurance Company succeeds in the Appeal, they would refund the withdrawn amount would meets ends of justice and I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicant is permitted to withdraw 25% amount out of the deposited amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)