

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2148 OF 2023
IN
FIRST APPEAL (STAMP) NO.23569 OF 2022

Aasawari Amit Yetale (Legal Gaurdian And
Mother of the Res. No.3) & Ors. ... Applicants

In the matter between:-

Branch Manager, Reliance General
Insurance Company Ltd. ... Appellant

V/s.

Aasawari Amit Yetale (Legal Gaurdian And
Mother of the Res. No.3) & Ors. ... Respondents

Mr. Shalini Shankar for Appellant.

Mr. Jayant Bardeskar for Applicants/Respondent Nos.1 to 3.

CORAM : S.G. DIGE, J.

DATED : 8 MARCH, 2023

P.C.:

1. Heard learned counsel for the Appellant and learned counsel for Applicants/Respondent Nos.1 to 3.

2. Learned counsel for Applicants/Respondent Nos.1 to 3 submits that deceased was the sole earning member of Applicants' family. After the death of deceased, the Applicants are facing starvation. They need the amount for their delay expenses. They have

no source of income. Hence, requested to allow the Application.

3. Learned counsel for the Appellant has strongly objected to allow the Application on the ground that Tribunal has considered monthly income of deceased on heir side and has awarded exorbitant and excessive compensation. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel. The deceased was the sole earning member of the Applicants' family. They have no source of income. They need the amount for their delay expenses. The grounds raised by the learned counsel for the Appellant can be considered at the time of final hearing of the Appeal. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicant is permitted to withdraw 50% amount along with accrued interest thereon out of the deposited amount on furnishing undertaking.
- (iii) Stand over to 19th April 2023.

(S.G. DIGE, J.)