IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3598 OF 2023
IN
FIRST APPEAL NO.16 OF 2021

Geeta Amol Chavan And Ors. … Applicants
V/s.
Shriram General Insurance Company Limited … Respondent

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Mr. Pritesh K. Bohade for the Applicants.
Mr. Rahul Mehta i/by KMC Legal Venture for the Respondent.

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CORAM : SHIVKUMAR DIGE, J.

DATED : 17th APRIL, 2023

P.C.:

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

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

3. Learned counsel for the Respondent-Insurance Company strongly objected to allow the application on the ground that offending vehicle in which deceased was travelling was over

capacity. But this fact is not considered by the Tribunal there was breach of terms and conditions of insurance policy. Hence, requested to dismiss the application.

4. I have heard both the learned counsel.

5. Deceased was sole earning member of the Applicant's family. The Applicants need the amount for daily expenses. They have no source of income. The issue raised by the learned counsel for Respondent-Insurance Company can be considered at the time of final hearing of the Appeal. Hence, I pass following order:-.

<u>O R D E R</u>

(i) Application is allowed.

(ii) The Applicants are permitted to withdraw 30% amount along with accrued interest thereon out of deposited amount on furnishing undertaking.

(iii) Application is disposed of.

(SHIVKUMAR DIGE, J.)