

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

**INTERIM APPLICATION NO.3340 OF 2023
IN
FIRST APPEAL NO.1337 OF 2022**

Prem Ganesh Gavali (minor) Thr. Mother
Guardian Appl.No.4 And Ors ...Applicants

Versus

Acko General Insurance Co. Ltd.
Through The Manager ...Respondents

Mr.Hrishikesh S. Shinde, for the Applicants.
Mr.Rahul Mehta i/b KMC Legal Venture, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 4 MAY 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 Applicant's have no source of income. They requires amount for daily expenses. Hence, requested to allow the Application.

3. The learned counsel for the Respondent submits that the Tribunal has considered monthly income of the deceased is on higher side. On that basis exorbitant and excessive

compensation is awarded. Hence, requested to dismiss the Application.

4. I have heard both learned counsel.

5. The deceased was sole earning member of the family. They have no source of income. They needs the amount for daily expenses. The issue raised by the learned counsel for the Respondent can be considered at the time of the 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 out of the deposited amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)