

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3756 OF 2023
IN
FIRST APPEAL NO.1123 OF 2022**

Jaywant Dattatraya ChouguleApplicant

In the matter between

The Reliance General Insurance Company Ltd.Appellant

versus

Jaywant Dattatraya Chougule and ors.Respondents

Mr. Jayant Bardeskar, Advocate for the Applicant.

Ms. Megha Keluskar i/b. Ms. Shalini Shankar, Advocate for the Appellant – Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th APRIL, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for the appellant-Insurance Company.

2. Learned counsel for the applicant submits that deceased was the sole earning member of the applicant's family. The applicant has no source of income, the applicant needs the amount for daily expenses. Since the accident, the applicant has not

received any compensation, hence, requested to allow the application.

3. Learned counsel for the appellant-insurance company strongly objected to allow the application on the ground that the Tribunal has awarded excessive and exorbitant compensation. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The deceased was the sole earning member of the applicant's family. The applicant has no source of income, he needs the amount for his daily expenses. Hence, I pass the following order.

ORDER

1. The application is allowed.
2. The applicant is permitted to withdraw 50% amount, out of the deposited amount along with interest accrued thereon, on furnishing undertaking.

The application stands disposed of.

(SHIVKUMAR DIGE, J.)