

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

**INTERIM APPLICATION NO. 4075 OF 2023
IN
FIRST APPEAL (ST) NO. 10153 OF 2016**

Smt. Jayshree Navnath Kamble & Ors.	Applicants
Versus	
The National Insurance Co. Ltd.	Respondent

Mr. Atharva R. Bhingardev i/b Vaibhav R. Gaikwad for the Applicants.
Ms. Poonam Mittal for the Respondent No.1

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th APRIL 2023.

P.C. :

1. Learned counsel for the applicant submits that deceased was the sole earning member of the applicants' family. Applicants have no source of income, they need the amount for daily expenses and education fees of applicant no. 2. Hence, requested to allow the application.

2. Learned counsel for the respondent/insurance company strongly objected to allow the application, on the ground that at the

time of accident driver of offending vehicle was not holding effective and valid driving license. The monthly income of deceased considered on higher side and on that basis exorbitant and excessive compensation is awarded. Hence, requested to dismiss the application.

3. I have heard both learned counsel, deceased was the sole earning member of the applicants' family, applicants have no source of income, they need the amount for their daily expenses and for paying education fees of applicant no. 2. The issue raised by learned counsel for the respondent can be considered at the time of final hearing of the appeal and I pass following order.

ORDER

- i. Application is allowed.
- ii. Applicants are permitted to withdraw 50% amount out of deposited amount along with accrued interest thereon, on furnishing undertaking.
- iii. Application disposed of.

(SHIVKUMAR DIGE, J.)