

SA Pathan

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

**INTERIM APPLICATION NO. 389 OF 2023
IN
FIRST APPEAL (ST) NO.19388 OF 2021**

Shankar Ankush Satelkar & Ors. ... Applicants

IN THE MATTER BETWEEN

The National Insurance Co. Ltd. Appellant

V/s.

Shankar Ankush Satelkar & Ors. ... Respondents

Ms. Poonam Mital for Applicant/Appellant.

Mr. Hemant Ghadigaonkar for Respondents.

CORAM : S. G. DIGE, J.

DATED : 27th MARCH 2023.

P.C.:

1. Heard learned Counsel for the Applicants.
2. Learned Counsel for the Applicants submits that the Applicant/claimant was the sole earning member of the his family. Due to tragic death of the deceased the Applicants suffered irreparable, financial and physiological loss. The Applicants need the amount for their daily expenses. Hence, requested to allow the Application.
3. Learned Counsel for Respondent-Insurance Company submits that at the time of accident the driver of offending vehicle was not holding an effective and valid driving license and the said fact was proved before the Tribunal. But, the Tribunal has not considered this fact. Hence, requested to dismiss the Application.

4. I have heard both learned Counsel. The deceased was the sole earning member of the Applicants' family. The Applicants need the amount for their daily expenses. The Applicants have no source of income. The grounds raised by the learned Counsel for Respondent-Insurance Company can be considered at the time of final hearing of the Appeal. Hence, I pass the following order :

O R D E R

1. The Application is allowed.
2. The Applicants are permitted to withdraw the 50% amount along with accrued interest therein, out of the amount deposited amount on furnishing usual undertaking.

Application is disposed of.

(S. G. DIGE, J.)