

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.19258 OF 2022
IN
FIRST APPEAL NO.361 OF 2022

Smt.Chamanbi Iman Gavandi

...Applicant

Versus

The Manager, HDFC Agro General
Insurance Co. Ltd.

...Respondent

Mr.Shekhar V. Mane i/b Mr.Kedar Lad, for the Applicant.

Ms.Sweta Shah i/b Mr.A.P. Kulkarni, for the Respondent.

CORAM : S.G. DIGE, J.

DATE : 3 MARCH 2023

P.C:-

. Heard learned counsel for the Applicant and learned counsel for the Respondents.

2. The learned counsel for the Applicant submit that the deceased was the husband of the Applicant. He was only earning member of the Applicant's family. After the death of deceased the Applicant has no source of income. She requires amount for daily expenses. Hence, requested to allow the Application.

3. The learned counsel for the Respondents objected to allow the Application on the ground that there was negligence of the deceased in the said accident. But Tribunal has not considered this fact and requested to dismiss the Application.

4. I have heard both learned counsel.

5. The deceased was the sole earning member of the Applicant's family. The Applicant is widow. She has no source of income. She needs the amount for her daily expenses. The grounds raised by the Respondents can be considered at the time of the final hearing and I pass following order.

ORDER

- (i) The Application is allowed and disposed of.
- (ii) The Applicant is permitted to withdraw 50% amount along with accrued interest thereon out of the deposited amount on furnishing undertaking.

(S.G. DIGE, J.)