

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1426 OF 2023
IN
FIRST APPEAL (ST) NO. 14762 OF 2019

Smt. Minakshi Nilesh Khamkar & Ors.

....Applicants

Versus

Legal Department, Reliance General
Insurance Co. Ltd.

....Respondent

Ms. Sejal Todkar i/b A. R. Kapdnis for the Appellants.
Ms. Kalpana R. Trivedi for the Respondent.

CORAM : S. G. DIGE, J.

DATE : 2nd MARCH 2023.

P.C. :

1. It is contention of learned counsel for the Applicants that deceased was the only earning member of Applicants' family, after death of deceased, Applicant are facing financial problems, Applicant needs the amount for daily expenses and for educational purpose of Applicant Nos. 2 & 3, she further submits that Applicant No. 4 to 5 are senior citizen they need the amount for their medical expenses.

Hence, requested to allow the Application.

2. Learned counsel for the Respondent strongly objected to allow the Application on the ground that accident was occurred due to contributory negligence of the deceased. The tribunal has considered monthly income of deceased on higher side on that basis exorbitant and excessive compensation is awarded. Hence, requested to dismiss the application.

3. I have heard both learned counsel, the deceased was sole earning member of the Applicants' family. Applicants needs the amount for daily expenses and medical expenses of Applicant Nos. 4 to 5 as well as for paying education fees of Applicant Nos. 2 to 3 the grounds raised by the Respondent can be considered at the time of final hearing of the Appeal.

4. In view of above, I pass following the order.

ORDER

- i. Application is allowed.
- ii. Applicants are permitted to withdraw 50%

amount along with accrued interest thereon, out of
deposited amount on furnishing undertaking.

iii. Application stands disposed of.

(S. G. DIGE, J.)