

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

**INTERIM APPLICATION NO. 1237 OF 2023
IN
FIRST APPEAL (St.) NO. 14615 OF 2022**

Smt. Sujata Naresh Patange & Ors.Applicants
Versus
The Manager, United India Insurance Co. Ltd.Respondent

Mr. Sudhakar G Thorat, Advocate for the Applicants.
Mr. Rahul Mehta, Advocate for the Respondent-Insurance
Company.

CORAM : S. G. DIGE, J.

DATE : 8th FEBRUARY 2023.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for the respondent- Insurance Company.
2. Learned counsel for the applicants submits that the deceased was the Karta of the applicants' family, he was the sole earning member of the applicants' family and his salary was the only source of income to the applicants' family. Applicant No.1 is the wife of the deceased. Applicant No.2 is the son of the deceased. Applicant Nos.3 and 4 are the parents of the deceased. The

applicants need the amount for medical treatment of applicant Nos. 3 and 4 and paying school fees of applicant No.2. Hence, requested to allow the application.

3. Learned counsel for the respondent-Insurance Company submits that the Tribunal has awarded exorbitant and excessive compensation without any evidence on record. The accident had occurred due to sole negligence of the deceased but these facts are not considered by the Tribunal. 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 and for paying fees of applicant No.2. The issue raised by 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 50% amount along with accrued interest thereon, out

of the deposited amount, on furnishing undertaking.

The application is disposed of.

(S. G. DIGE, J.)