

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 17682 OF 2023

IN

FIRST APPEAL NO. 816 OF 2017

Poonam Madhukar Mane and Anr.

.... Applicants

IN THE MATTER BETWEEN

New India Insurance Co. Ltd.

.... Appellant

Versus

Poonam Madhukar Mane and Ors.

.... Respondents

Mr. Sudhir Hardikar, Advocate for the Applicants.

Mr. Ketan Joshi, Advocate for Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th DECEMBER, 2023

P.C. :

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

2. Learned counsel for the appellant-Insurance Company strongly objected to allow the application on the ground that the Tribunal has not considered the evidence put forth by the Insurance Company and wrongly awarded compensation, hence requested to reject the application.

3. I have heard both the learned Counsel. The deceased was the sole earning member of the applicant's family. Applicants have no source of income. Applicants need the amount for their daily expenses. The issue raised by the appellant-Insurance Company shall be considered at the final hearing of the appeal and I pass following Order:

ORDER

(i) The application is allowed.

(ii) Applicants are permitted to withdraw 50% amount along with accrued interest thereon, out of the deposited amount on furnishing usual undertaking.

4. The application is disposed of.

(SHIVKUMAR DIGE, J.)