

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

**INTERIM APPLICATION NO. 844 OF 2023
IN
FIRST APPEAL NO. 1197 OF 2022**

Mr. Ganesh Gokuldas Karade.Applicant

In the matter between

Reliance General Insurance Co. Ltd. & Anr.Appellants

Versus

Mr. Ganesh Gokuldas Karade & Ors.Respondents

Ms. Megha Keluskar i/b Shalini Shankar, for the Applicant.

Mr. Niketan Nakhawa, for the Respondent.

CORAM : S. G. DIGE, J.

DATE : 31st JANUARY, 2023.

P.C. :

1. Heard learned counsel for the Applicant and the learned counsel for the Respondent.
2. The learned counsel for Applicant submits that deceased was the sole earning member of his family. He died in the accident. The tribunal has awarded the compensation.
3. The Respondent has challenged, the order of Tribunal and has deposited the amount before this Court. The applicant needs

amount for their daily expenses and for paying the fees of children. Hence, requested to allow the application.

4. The learned counsel for Respondent objected to allow the application, on the ground that the Tribunal has not considered the evidence led by the respondent. The excessive compensation is awarded by the tribunal. Hence, requested to dismiss the application.

5. I have heard both learned counsel. Admittedly deceased died in the accident. He was the sole earning member of the applicant's family. The Applicant needs the amount for paying the school fees of the children and their daily expenses. Hence, I pass following 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. The application is disposed of.
- iv. Call for Recording and Proceedings.

(S. G. DIGE, J.)