IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.921 OF 2023
IN
FIRST APPEAL (ST) NO.29840 OF 2017

Sou. Pravina Pradeep Gokhale And Anr. ...Applicants
Versus
The New India Assurance Co.
Ltd. Thr. Mumbai Legal Hub ...Respondents

Mr.Bhavesh Magam i/b Mr.Rajesh More, for the Applicant.
Mr.D.S. Joshi, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18 APRIL 2023

P.C:-

. Heard learned counsel for the Applicants.

2. The learned counsel for the Applicants submits that the deceased was sole earning member of the Applicant's Family. The Applicants have no source of income. They needs the amount for their daily expenses. Since, accident the Applicants have not received any compensation. Hence, requested to allow the Application.

3. The learned counsel for the Respondent-Insurance Company has objected to allow the Application on the ground

that the cheque which was given as a premium of Insurance Policy was dishonored. In similar matters the Tribunal has passed pay and recovery order. But in the present matter the Tribunal has fixed liability on Insurance Company which is improper. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was sole earning member of the family. The Applicants have no source of income. The Applicants needs the amount for daily expenses. The issue raised by the learned counsel for the Respondent can be considered at the time of the final hearing of the Appeal. Hence, I pass following order.

ORDER

(i) The Application is allowed.

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

(SHIVKUMAR DIGE, J.)