

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1222 OF 2023
IN
FIRST APPEAL (ST) NO.21354 OF 2021

NILAM
SANTOSH
KAMBLE

Digitally signed
by NILAM
SANTOSH
KAMBLE
Date: 2023.02.22
11:08:24 +0530

Shri.Ladubai Sanjay Pawar & Ors.

...Applicants

Versus

Reliance General Insurance Co. Ltd
Navi Mumbai

....Respondent

Mr.Yuvraj Narvankar, for the Appellant.

Ms.Kalpana R. Trivedi, for the Respondent.

CORAM : S.G. DIGE, J.

DATE : 21 FEBRUARY 2023

P.C:-

. Heard learned counsel for the Applicants and the learned counsel for the Respondent.

2. The learned counsel for the Applicants submit that the Applicants are the legal heirs of the deceased. The deceased was only earning member of Applicant's family. The Applicants were dependent on deceased. The accident was occurred on 18 October 2012. Since then the Applicant's have not received any compensation. The Applicant's are facing financial issues. They require the amount for daily expenses. Hence, requested to allow the Application.

3. The learned counsel for the Respondents strongly objected to allow the Application on the ground that the Tribunal has awarded the income of deceased on higher side without any evidence. There was contributory negligence of the deceased in the said accident. But this fact was not considered by the Tribunal. Hence requested to dismiss the Application.

4. I have heard both learned counsel.

5. The deceased was sole earning member of the Applicant's family. They have no source of income. They require amount for their daily expenses. The issues raised by the Respondents can be considered at the time of 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.
- (iii) The Application is disposed of.

(S.G. DIGE, J.)