

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1050 OF 2023
IN
FIRST APPEAL NO.824 OF 2022

Nivedita Rakesh Soni & Ors.

...Applicants

Versus

Bajaj Allianz General Insurance Co. Ltd.

...Respondents

Mr.Amol Gatne i/b Ms.Swati Uday Mehta, for the Applicants.

Mr.D.S. Joshi, for the Respondents.

CORAM : S.G. DIGE, J.

DATE : 7 FEBRUARY 2023

P.C:-

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

2. The learned counsel for the Applicants submit that the deceased was husband of Applicant No.1 and father of Applicant Nos.3 and 4 and the Applicant No.2 is mother of deceased. He further submit that the Accident took place on 30 September 2016 since then the Applicants have not received any compensation deceased was 38 years of age at the time of the Accident, he was self employed. The deceased was only earning member of the Applicants family, they have no source of income, they need the amount for daily expenses and paying school fees

of Applicant Nos.3 and 4. Hence, requested to allow the Application.

3. The learned counsel for the Respondent- Appellant. submits that at the time of accident driver of the offending vehicle was not holding effective and valid license but this fact is not considered by the Tribunal. The learned counsel further submit that the exorbitant and excessive compensation is awarded without considering the evidence on record. Hence, requested to dismiss the Application.

4. I have heard both the counsel.

5. The deceased was only earning member of the Applicant's family. The Applicants need amount for their daily expenses and paying school fees of Applicant Nos.3 and 4. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicant's are permitted to withdraw 50% amount along with accrued interest thereon out of the deposited amount on furnishing undertaking.

(S.G. DIGE, J.)