

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2420 of 2023
IN
FIRST APPEAL NO. 119 OF 2023**

Asha Dnyandev Narhe & orsApplicants
versus
The New India Assurance Co. Ltd.Respondent

Mr. T. J. Mendon, Advocate for the Applicants.
Ms. Karishma Zaveri i/b. Ms. Navdeep Vora an Associates,
Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 20th MARCH 2023.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for respondent-Insurance Company.

2. Learned counsel for the applicants submits that the applicant No.1 is the wife of deceased, applicant No.2 is minor son and applicant Nos.3 and 4 are the parents. The deceased was sole earning member of the applicants' family. The applicants needs the amount for their daily expenses and for educational expenses of minor son. Hence, requested to allow the application.

3. Learned counsel for respondent- Insurance Company objected to allow the application on the ground that the Tribunal has awarded exorbitant and excessive compensation without any evidence on record. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The deceased was the sole earning member of the applicants' family. The applicants need the amount for their daily expenses and educational expenses of minor son. The applicants have no source of income. The grounds raised by the respondent can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

1. The application is allowed.
2. The applicants are permitted to withdraw the 25% amount along with accrued interest therein, out of the deposited amount on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)