

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3437 OF 2022****IN****FIRST APPEAL (ST) NO.1664 OF 2021**

Jayshree Kirti Mehta and Ors.

.... Applicants

IN THE MATTER BETWEEN:

Cholamandalam M.S. General Insurance Co. Ltd.

... Appellant

Versus

Jayshree Kirti Mehta and Ors.

.... Respondents

Mr. Abhijit Desai, Advocate for Applicants.

Mr. Rajesh Kanojia i/b. Res Juris, Advocate for Appellant.

CORAM : SHIVKUMAR DIGE, J.**DATE : 6th DECEMBER, 2023****P.C. :**

1. It is the contention of learned counsel for the applicants that deceased was the sole earning member of the applicant's family. Applicants have no source of income. They need the amount for daily expenses, hence requested to allow the application.

2. Learned counsel for the appellant - Insurance Company strongly objects to allow the application on the ground that earlier, applicants have permitted 25% withdrawal. At the time of accident the driver of insured vehicle has not carried effective and valid driving licence. In spite of that the Tribunal has awarded the compensation which is

challenged by the Insurance Company before this Court. Hence, requested to reject the application.

3. I have heard both the learned Counsel. The deceased was the sole earning member of the applicants' family. Applicants need the amount for their daily expenses. Applicants have no source of income. The grounds raised by the appellant-Insurance Company can be considered at the time of final hearing of the appeal. Hence, Considering this fact, I pass following order :

ORDER

(i) The application is allowed.

(ii) The applicants are permitted to withdraw 30% amount out of remaining 75% amount along with accrued interest thereon on furnishing usual undertaking.

4. The Application is disposed off.

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(SHIVKUMAR DIGE, J.)