

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1529 OF 2023
IN
FIRST APPEAL (ST) NO. 31798 OF 2022**

Smt. Padmaja Pradeep Patil & Ors.Applicants

In the matter between

United India Insurance Co. Ltd.Appellant

Versus

Smt. Padmaja Pradeep Patil & Ors.Respondents

Mr. Jayant Bardeskar for the Applicants.

Mrs. Varsha Chavan for the Respondent/Appellant-Insurance Co.

CORAM : S. G. DIGE, J.

DATE : 17th FEBRUARY 2023.

P.C. :

1. Heard learned counsel for the Applicants and learned counsel for the Respondents/Insurance Company.

2. Learned counsel for the Applicants submits that deceased was father of Applicants, he was the only earning member of Applicants' family. After the death of deceased, the Applicants have no source of income, they require the amount for their education

purpose and for daily expenses. Hence requested to allow the Application.

3. The learned counsel for the Respondents/Insurance Company strongly objected to allow the Application on the ground that wrong multiplier is applied by the Tribunal. There was breach of terms of Insurance Company, but this fact was not considered by the Tribunal. Hence, requested to dismiss the Application.

4. I have heard both learned counsel. The deceased was father of Applicants. The Applicants have no source of income, they require the amount for their daily expenses and for paying the education fees, the ground raised by the respondents can be considered at the time of final hearing. Hence, I pass following order.

ORDER

- i. Application is allowed.
- ii. Applicant is permitted to withdraw 30% amount along with accrued interest thereon out of deposited amount on furnishing under taking.

(S. G. DIGE, J.)