

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

**INTERIM APPLICATION NO.2477 OF 2023
IN
FIRST APPEAL NO.457 OF 2022**

Gangadhar Janaji Todkar And Ors. ... Applicants

V/s.

Reliance General Insurance Co. Ltd.

Through its Manager. ... Respondent

Ms. Rina Kundu for the Applicants.

Ms. Kalpana Ranchod Trivedi for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 30th MARCH, 2023

P.C.:

1. Heard learned counsel for the Applicant.
2. The learned counsel for the Applicants submits that deceased was the sole earning member of Applicant's family. The Applicants have no source of income, they requires the amount for daily expenses and for paying the education fees of Applicant Nos.2 and 3. Hence, requested to allow the Application.
3. The learned counsel for the Respondent strongly objected to allow the Application on the ground that the exorbitant and excessive compensation is awarded by the Tribunal, the income of deceased is considered on higher side. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was the sole earning member of Applicant's family, the Applicants needs the amount for daily expenses and paying the education fees of Applicant Nos.2 and 3. The Applicants have no source of income. The ground raised by the Respondents can be considered at the time of final hearing of the Appeal and I pass following order:-.

ORDER

- (i) The Application is allowed.
- (ii) The Applicants are permitted to withdraw 50% amount along with accrued interest thereon out of deposit the amount on furnishing undertaking.
- (iii) Application is disposed of.

(SHIVKUMAR DIGE, J.)