

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14367 OF 2023
IN
FIRST APPEAL NO.173 OF 2023

Mr.Devidas Rajaram Desai & Ors.Applicants

V/s.

The New India Assurance Co. Ltd.,Respondents
Mumbai, Thr. Its Authorized
Representative Sourin Saha

Mr.Rajesh Kanojia i/b Res Juris, for the Applicants.
Mr.Sainand Chaugule, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st DECEMBER 2023

P.C:-

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

2. The learned counsel for the Applicants submit that,
the deceased-Applicant was sole earning member of the family.
The Applicant's needs the amount for their daily expenses. They
are facing starvation as there is no source of income. Hence,
requested to allow the Application.

3. The learned counsel for the Respondent-Insurance Company has objected to allow the Application on the ground that, the driver of the offending vehicle was not holding effective and valid license instead of that, Tribunal has awarded compensation. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was sole earning member of the family, the Applicants needs the amount for their daily expenses. They have no source of income. The issue raised by the learned counsel for Respondent-Insurance Company can be considered at the time of the final hearing of the Appeal. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicant's are permitted to withdraw 30% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)