

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

**INTERIM APPLICATION NO.3470 OF 2023
IN
FIRST APPEAL NO.319 OF 2021**

Ruhi Jitendra Narkar And Anr. ... Applicants
V/s.
Reliance General Insurance Company
Ltd. Mumbai. ... Respondent

Mr. Mr. Kunal Rane for the Applicants
Mr. Pandit Kasar for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 21st APRIL, 2023

P.C.:

1. Heard learned counsel for the Applicants and learned counsel for the Respondent-Insurance Company.
2. Learned counsel for the Applicants submits that deceased was the sole earning member of the Applicants' family. The Applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the application.
3. Learned counsel for the Respondent-Insurance Company strongly objected to allow the application on the ground that at the time of accident, driver of offending vehicle was not holding effective and valid driving licence and this issue was raised

before the Tribunal, but it was not considered. 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 have no source of income, they need the amount for daily expenses. Applicants have not received any compensation from the date of accident. The issue raised by the learned counsel for Respondent-Insurance Company can be considered at the time of final hearing of the appeal. Hence, I pass the following order.

O R D E R

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

The application stands disposed of.

(SHIVKUMAR DIGE, J.)