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

INTERIM APPLICATION NO.2656 OF 2023

**IN
FIRST APPEAL (ST) NO.18855 OF 2018**

Alaka Laxman Dhole & Anr.	... Applicants
IN THE MATTER BETWEEN	
The New India Assurance Co. Ltd.	... Appellant
V/s.	
Alka Laxman Dhole and Ors.	... Respondents

Mr. D. D. Shinde for Applicants.

Mr. Himanshu Takke i/by Milind V. More, for Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATED : 27th MARCH 2023.

P.C.:

1. Learned Counsel for the Applicants submits that the deceased was the sole earning member of the Applicants' family. They have no source of income. They need the amount for their daily expenses. Hence, requested to allow the Application.

2. Learned counsel for Insurance Company objected to allow the Application on the ground that the Tribunal has considered notional monthly income of the deceased on higher side and on that basis exorbitant and excessive compensation was awarded. Hence, requested to dismiss the Application.

3. I have heard learned Counsel for the parties. The accident was

occurred on 13.06.2013, since then the Applicants have not received any compensation, the deceased was only earning member of the his family. Applicants have no source of income. They need amount of their daily expenses. Grounds raised by learned Counsel for Insurance Company can be considered at the time of final hearing. Hence, I pass the following order :

ORDER

1. The Application is allowed.
2. The Applicants are permitted to withdraw the 40% amount along with accrued interest therein, out of the amount deposited amount on furnishing usual undertaking.

The Application is disposed of.

(SHIVKUMAR DIGE, J.)