IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10499 OF 2022

IN

FIRST APPEAL NO. 573 OF 2021

Hanumanti Nagaling Poojari & Ors. ….Applicants

Versus

Bajaj Allianz General Insurance Co. Ltd. ...Respondent

...

Ms. Varsha Chavan Advocate for the Applicants/Appellant.
Mr. D.S. Joshi Advocate for the Respondents in IA & for appellant in FA.

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CORAM : S. G. DIGE, J.

DATE : 6TH FEBRUARY, 2023.

P.C. :

1. Heard learned counsel for applicants and learned counsel for Respondent -Insurance Company.

2. Learned counsel for applicants submit that deceased was the husband of applicant no.1 and father of Applicant Nos. 2 to 5. Deceased was the only earning member of applicants family. Applicants need the amount for daily expenses and for education

purpose for paying the education fees of Applicant Nos. 2 to 5. Hence, requested to allow the application.

3. Learned counsel for respondent-Insurance company objected to allow the application on the ground that the insurance policy which was produced before the Tribunal is fake policy. Inspite of that, the Tribunal has fixed liability on Respondent-Insurance Company which is not proper. Hence, requested to dismiss the application.

4. I have heard both learned counsel.

5. The Tribunal has allowed the claim petition filed by applicants and has awarded compensation which is challenged by the Respondent-Insurance Company on various grounds, one of the issue raised is of fake policy. The Tribunal has considered this fact and allowed the petition. The deceased was the only earning member of the applicants family. There are 5 applicants who need the amount for their daily expenses and for paying education fees of Applicant Nos. 2 to 5. Hence, I pass following order.

O R D E R

I. Application is allowed.

ii. Applicants are permitted to withdraw 25%

amount alongwith accrued interest thereon out of deposited amount on furnishing undertaking.

iii. Application is disposed off.

(S. G. DIGE, J.)