

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4081 OF 2023
IN
FIRST APPEAL (STAMP) NO. 6949 OF 2021

Smt. Kanta Popat Chavan & Anr. ...Applicants

IN THE MATTER BETWEEN

HDFC Ergo General Insurance Co. Ltd. ...Appellant

Versus

Smt. Kanta Popat Chavan & Ors. ...Respondents

Mr. Krushna Jaybhay i/by Mr. A. P. Kulkarni for the Appellant.

Mr. Abhishek R. Deshmukh for the Applicants/Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd MAY, 2023.

P. C. :

1. Learned Counsel for the Applicant submits that the deceased was the only son of the Applicants. He was 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.

2. Learned Counsel for the Appellant-Insurance Company strongly objected to allow the Application on the ground that the accident was occurred due to the negligence of the deceased, but the

Tribunal has not considered this fact. The Tribunal has awarded exorbitant and excessive compensation, hence, requested to dismiss the application.

3. I have heard both learned Counsel.

4. At the time of accident, the deceased was 24 years old. He was sole earning member of the Applicants' family. Applicants have no source of income. They need the amount for daily expenses. The issue raised by learned Counsel for the Appellant-Insurance Company can be considered at the time of final hearing of the appeal. In view of above, I pass following order :

ORDER

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

(SHIVKUMAR DIGE, J.)