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

INTERIM APPLICATION NO. 4048 OF 2023
IN
FIRST APPEAL NO. 608 OF 2023

Sushila Ghanshyam Vishwakarma
@ Sutar & Ors. ....Applicants
Versus
The New India Assurance Co. Ltd. & Anr. ....Respondents

Mr. Niketan S. Nakhawa for the Applicants.
Mr. Sandeep Jinsiwale for the Respondents.

SHANTANU SHANKARSA DHUDUM
Digitally signed by SHANTANU SHANKARSA DHUDUM
Date: 2023.12.18 10:13:29 +0530

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th DECEMBER, 2023.

P.C. :

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

2. It is contention of learned counsel for the Applicants that deceased was the sole earning member of Applicants' family. Applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the Appeal.

3. It is contention of learned counsel for the Respondent

No.1/Insurance Company that the Insurance Policy of offending vehicle was fake. It was not issued by the company but, this fact is not considered by the tribunal. Hence, requested to reject the Application.

3. I have heard both learned counsel. Deceased died in the accident and he was sole earning member of his family. Applicants have no source of income. They needs the amount for daily expenses. The issue raised by the learned counsel for the Respondent No.1/Insurance Company can be considered at the time of final hearing of the Appeal. Hence, I pass following order.

ORDER

i.The application is allowed.

ii. The Applicants are permitted to withdraw 25% amount out of deposited amount along with accrued interest thereon. On furnishing usual undertaking

The application is disposed off.

(SHIVKUMAR DIGE, J.)