

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3509 OF 2023
IN
FIRST APPEAL (ST) NO.32498 OF 2022

Swati Gulab Daphal And Ors. ... Applicants
V/s.
Reliance General Insurance Co. Ltd. ... Respondent

Mr. Yogesh Pande for the Applicants.
Mrs. Shalini Shankar for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 10th APRIL, 2023

PC.:

1. Heard learned counsel for the Applicants and learned counsel for the Respondent-Insurance Company.
2. The learned counsel for the Applicants submits that deceased was sole earning member of the Applicant's family. The Applicants needs the amount for their daily expenses they have no source of income. Hence, requested to allow the application.
3. The learned counsel for the Respondent-Insurance Company strongly objected to allow the application on the ground that exorbitant an excessive compensation is awarded by the Tribunal the income of deceased is considered on higher side.

Hence, requested to dismiss the application.

4. I have heard both the learned counsel.

5. The deceased was the sole earning member of the Applicant's family. The Applicants needs the amount for their daily expenses, they have no source of income. 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 following order :-

O R D E R

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

(SHIVKUMAR DIGE, J.)