

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3521 OF 2023
IN
FIRST APPEAL (ST) NO.18364 OF 2022

Sarojben Rasikbhai Bhalodia And Ors. ... Applicants
V/s.
Reliance General Insurance Company
Ltd., Raigad And Anr. ... Respondents

Mrs. Rina Kundu 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 have no source of income, they need the amount for their daily expenses. 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 after the death of deceased, the family business is going on.

There is no loss of income, but Tribunal has not considered this fact and awarded the exorbitant an excessive compensation. Hence, requested to dismiss the application.

4. I have heard both the learned counsel.

5. The deceased was sole earning member of the Applicant's family. They need 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 :-

ORDER

- (i) Application is allowed.
- (ii) The Applicants are permitted to withdraw 30% amount along with accrued interest thereon out of the deposited amount on furnishing undertaking.
- (iii) Application is disposed of.

(SHIVKUMAR DIGE, J.)