

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3692 OF 2023
IN
FIRST APPEAL (ST) NO.5464 OF 2020

Jijabai Bhiva Yele And Ors. ... Applicants
V/s.
Bajaj Allianz General Insurance Company
Ltd. ... Respondent

Ms. Rina Kundu for the Applicants.
Mr. Sarthak S. Diwan for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 17th APRIL, 2023

P.C.:

1. Heard learned counsel for the Applicants and learned counsel for the Respondent.
2. Learned counsel for the Applicants submits that deceased was sole earning member of Applicant's family. The Applicant have no source of income. The Applicants need the amount for daily expenses. Hence, requested to allow the application.
3. Learned counsel further submits that accident was occurred in 2014 since then Applicants have not received any compensation amount.

4. The learned counsel for the Respondent-Insurance Company strongly objected to allow the application on the ground that there is false involvement of offending vehicle and this fact was raised before the Tribunal, but it was not considered by the Tribunal. Hence, appeal is preferred and requested to dismiss the application.

5. I have heard both the learned counsel.

6. Deceased was sole earning member of the Applicant's family. The Applicants needs the amount for 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, pass following order:-.

O R D E R

- (i) Application is allowed.
- (ii) The Applicants are permitted to withdraw 25% amount along with accrued interest thereon out of deposited amount on furnishing undertaking.
- (iii) Application is disposed of.

(SHIVKUMAR DIGE, J.)