IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3974 OF 2023
IN
FIRST APPEAL NO. 381 OF 2022

Chintamani Ananth Thosar & Ors. ...Applicants

IN THE MATTER BETWEEN

Bajaj Allianz General Insurance Co. Ltd. ...Appellant

Versus

Chintamani Ananth Thosar & Ors. ...Respondents

Mr. Sarthak Diwan a/w Mr. Akshay Kulkarni for the Appellant.
Ms. Sandhya S. Lokhande for the Applicants/Respondents.

CORAM : SHIVKUMAR DIGE, J.
DATE : 24th APRIL, 2023.

P. C. :

1. Learned Counsel for the Applicants submits that the deceased was the sole earning member of the Applicants' family. Applicants have no source of income. Applicants 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 insurance policy which was produced by the Claimants before the Tribunal was fake and fabricated but this fact was not considered by the

Tribunal. Hence, requested to dismiss the Application.

3. I have heard both learned Counsel.

4. Deceased was sole earning member of the Applicants' family. Applicants have no source of income. Applicants need the amount for daily expenses. Considering the grounds raised by the learned Counsel for the Appellant, the Tribunal has awarded the compensation. Hence, I pass following order :

ORDER

i. Application is allowed.

ii. The Applicants are permitted to withdraw 25% amount out of deposited amount alongwith accrued interest thereon, on furnishing an undertaking.

iii. Application is disposed of.

(SHIVKUMAR DIGE, J.)