IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4082 OF 2023
IN
FIRST APPEAL NO. 1184 OF 2022

Manda Krushna Mahadkar & Ors. ….Applicants
Versus
United India Insurance Company Limited ….Respondents

Mr. D. D. Rananaware for the Applicants.
Mr. Amol Gatne for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th APRIL 2023.

P.C. :

1. Learned counsel for the applicant submits that deceased was the sole earning member of the applicants' family. Applicants have no source of income, they need the amount for daily expenses and education fees of applicant nos. 2 & 3. Hence, requested to allow the application.

2. Learned counsel for the respondent/insurance company strongly objected to allow the application, on the ground that at the time of accident driver of offending vehicle was not holding effective

and valid driving license. In spite of that pay and recovery order is passed, which is not proper. Learned counsel further submits that the monthly income of deceased is considered on higher side and on that basis exorbitant and excessive compensation is awarded. Hence, requested to dismiss the application.

3. I have heard both learned counsel. Deceased was the sole earning member of the applicants' family, applicants have no source of income, they need the amount for their daily expenses and for paying education fees of applicant nos. 2 & 3. The issue raised by learned counsel for the respondent can be considered at the time of final hearing of the appeal, hence, I pass following order.

ORDER

i. Application is allowed.

ii. Applicants are permitted to withdraw 50% amount out of deposited amount along with accrued interest thereon, on furnishing undertaking.

iii. Application disposed of.

(SHIVKUMAR DIGE, J.)