

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4277 OF 2023
IN
FIRST APPEAL NO. 1134 OF 2022

Madhu Dilipkumar Pal & Ors. ...Applicants

IN THE MATTER BETWEEN

The Manager, Reliance General
Insurance Co. Ltd. ...Appellant

Versus

Madhu Dilipkumar Pal & Ors. ...Respondents

Ms. Megha Keluskar i/by Ms. Shalini Shankar for the Appellant.

Mr. Atharva R. Bhingardevi i/by Mr. Vaibhav R. Gaikwad for the
Applicants/Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd MAY, 2023.

P. C. :

1. Learned Counsel for the Applicants submits that the deceased was the sole earning member of the Applicants' family. The Applicants have no source of income. They 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

accident was occurred due to sole negligence of the deceased, but this fact was not considered by the Tribunal and on that basis, exorbitant and excessive compensation is awarded, hence, requested to dismiss the application.

3. I have heard both learned Counsel.

4. The deceased was sole earning member of the Applicants' family. Applicants have no source of income. They need the amount for daily expenses. The issue raised by learned Counsel for the Appellant-Insurance Company can be considered at the time of final hearing of the appeal. In view of above, I pass following order :

ORDER

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

(SHIVKUMAR DIGE, J.)