

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4372 OF 2023
IN
FIRST APPEAL STAMP NO. 4070 OF 2021**

Abdul Gani Subhan Shaikh & Ors.Applicants
Versus
Divisional Manager, Bajaj Allianz General Insurance
Company Ltd. through its Divisional Officer, Pune
& anrRespondents

Mr. Yogesh Pande, Advocate for the Applicants.
Mr. Sarthak S Diwan, Advocate for the Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd MAY, 2023.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for respondent-Insurance Company.
2. 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 their daily expenses. The applicants have not received any compensation. Hence, requested to allow the application.

3. Learned counsel for respondent- Insurance Company strongly objected to allow the application on the ground that the driver of the offending vehicle was not holding valid and effective driving license at the time of accident and the Tribunal has awarded exorbitant and excessive compensation. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The deceased was the sole earning member of the applicants' family. The applicants need the amount for their daily expenses. The applicants have no source of income. The grounds raised by the respondents can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

1. The application is allowed.
2. The applicants are permitted to withdraw the 50% amount along with accrued interest therein, out of the deposited amount on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)