

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (ST) NO.17137 OF 2022
IN
FIRST APPEAL (ST) NO.13944 OF 2021

Smt.Vandana Pankaj Mishra & Ors. ...Applicants

Versus

IFFCO-TOKIO General Insurance
Co. Ltd., Mumbai

...Respondents

Ms.Kavita Anchal i/b Mr.Vishal Dhende, for the Applicants.
Mr.Rajesh Kanojia a/w Ms.Nikita Singh i/b Res Juris, for the
Respondent.

CORAM : S.G. DIGE, J.

DATE : 10 MARCH 2023

P.C:-

. Heard learned counsel for the Applicants.

2. The learned counsel for the Applicants submit that the deceased was only earning member of Applicant's family. The Applicant Nos.2 to 4 are kids of the deceased. The Applicants family needs the amount for their daily expenses. They are facing starvation as there is no source of income. Hence, requested to allow the Application.

3. The learned counsel for the Respondent has objected to allow the Application on the ground that the policy which was produced before the Tribunal was fake policy. But this fact is not considered by the Tribunal and awarded the compensation. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was only earning member of the family, the Applicants needs the amount for their daily expenses. They have no source of income. Hence, I pass following order.

ORDER

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

(S.G. DIGE, J.)