IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 19304 OF 2022
IN
FIRST APPEAL NO.304 OF 2018

Jagdish Vishwanath Pimple ….Applicant
Versus
Reliance General Insurance Company Ltd. ….Respondent

Mr. Om Prakash Singh, Advocates for the Applicant.
Mr. Nikhil Mehta i/b. KMC Legal Venture, Advocate for the Respondent.

CORAM : S. G. DIGE, J.

DATE : 1st MARCH 2023.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for respondent-Insurance Company.

2. Learned counsel for the applicant submits that deceased was the son of the applicant, he was the only earning member of the applicant's family. After the death the the deceased, the applicant has no source of income. The applicant needs the amount for his daily expenses and medical expenses. Hence, requested to allow the application.

3. Learned counsel for respondent- Insurance Company strongly objected to allow the application on the ground that the at

the time of the accident, the driver of the offending car was not holding effective and valid driving license. Witness was examined to prove the said fact but this fact is not considered by the Tribunal 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 son of the applicants. The applicant is old aged father of the deceased and needs the amount for his daily expenses and medical expenses. The applicant has no source of income. The grounds raised by the respondent can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

O R D E R

1. The application is allowed.
2. The applicant is permitted to withdraw the 30% amount along with accrued interest therein, out of the amount deposited amount, on furnishing usual undertaking.

The application is disposed of.

(S. G. DIGE, J.)