

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.83 OF 2020
IN
FIRST APPEAL NO. 1059 OF 2016

Shri.Suresh Tukaram Khonadagale & Ors. ...Applicants

Versus

United India Insurance Co. Ltd. ...Respondent

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Mr.Tanmay Jadhav i/b Mr.Nikhilesh Pote, for the Applicants.
Mr.Ketan Joshi, for the Respondent.

CORAM : S.G. DIGE, J.

DATE : 7 FEBRUARY 2023

P.C.:-

. Heard learned counsel for the Applicants.

2. The learned counsel for the Applicants submit that the Applicant No.1 is husband of deceased Rekha Suresh Kahdagale. She was 32 years old. She was only earning member of Applicant's family. The Applicants needs the amount for their daily expenses and for school fees. There 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 Tribunal has awarded exorbitant and excessive compensation and deceased was traveling as a gratuitous passenger in the offending vehicle. Hence, compensation should not have been granted by fixing the liability on Insurance Company, 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 and Applicant Nos.2 and 3 needs amount for their school fees. They have no source of income. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicants are permitted to withdraw 50% amount along with accrued interest thereon on furnishing undertaking.

(S.G. DIGE, J.)