

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.76 OF 2021
IN
FIRST APPEAL NO.807 OF 2016**

Smt.Pushpa Vijay Nangare & Ors.Applicants

versus

Iffco Tokio General Insurance Co & Anr.Respondents

Mr. Shashank Shubham h/f. Mr. Sameer Kadam, Advocate for the Applicants.

Ms. Sweta Shah i/b. Mr. Abhijit Kulkarni, Advocate for the Appellant and Respondent No.1 in Civil Application.

CORAM : S. G. DIGE, J.

DATE : 1st FEBRUARY 2023.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for respondent No.1-Insurance Company.

2. Learned counsel for the applicants submits that the deceased – Vijay was the only earning member of the applicants' family. The applicants' family has suffered irreparable loss after the death of Vijay. Applicant No.1 is housewife and applicant No.2 is

studying. The applicants require the amount for personal expenses and for education purpose. Hence, requested to allow the application.

3. Learned counsel for respondent No.1 strongly objected to allow the application on the ground that the Tribunal has awarded excessive and exorbitant compensation which is challenged by respondent No.1 by way of appeal. If respondent No.1 succeeds in the appeal, it would be difficult for respondent No.1 to recover the amount from the applicants. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The deceased was the Karta of the family of the applicants. The applicants have no source of income. They require the amount for daily expenses and for paying education fees of applicant No.2. The grounds raised by respondent No.1 in the appeal 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 applicants are permitted to withdraw 50% amount along with accrued interest therein, out of the deposited amount, on furnishing undertaking.

The civil application is accordingly disposed of.

(S. G. DIGE, J.)