

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 19014 OF 2022
IN
FIRST APPEAL STAMP NO. 1641 OF 2020**

Maya Govind Patil and ors.Applicants
versus

ICICI Lombard General Insurance Company Ltd.
and anr.Respondents

Ms. Amita Chaware, Advocate for the Applicants.
Mr. Rajesh Kanojia with Ms. Nitika Singh and Ms. Ankita Kale i/b.
Res Juris, Advocates for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 20th MARCH 2023.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for the respondent No.1.

2. Learned counsel for the applicants submits that the deceased was the sole earning member of the applicants' family. The applicants need the amount for their daily expenses. The accident occurred in the year 2012. Since then, the applicants have not received any compensation amount. Hence, requested to allow the application.

3. Learned counsel for respondent No.1 - Insurance Company objected to allow the application on the ground that there is false involvement of offending vehicle. The offence was registered against unknown vehicle. Thereafter, the police involved the offending vehicle as vehicle involved in the accident. This fact was brought before the Tribunal, but the Tribunal has not considered this fact. 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 Tribunal has awarded compensation after considering all facts. Hence, I pass the following order :

ORDER

1. The application is allowed.
2. The applicants are permitted to withdraw the 25% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)