IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 19061 OF 2022
in
FIRST APPEAL STAMP NO. 16120 of 2022

Prakash Shripat Bhole ….Applicant
Versus
Bajaj Allianz General Insurance Co. Ltd. & Ors. ….Respondents

Mr. Sandeep Barve i/b. B. K. Barve & Co., Advocates for the Applicants.
Mr. Sarthak S Diwan, Advocate for the Respondent No.1-Insurance Company.

CORAM : S. G. DIGE, J.

DATE : 6th MARCH 2023.

P.C. :

1. It is the contention of learned counsel for the applicants that the deceased was the only earning member of the applicants' family. After his death, the applicants have no source of income. The applicants need the amount for his daily expenses. Hence, requested to allow the application.

2. Learned counsel for respondent No.1-Insurance Company strongly objected to allow the application on the ground that at the

time of the accident, the driver of the offending vehicle was not holding valid and effective driving license, in spite of that, the Tribunal has awarded compensation, which is improper. Hence, requested to dismiss the application.

3. I have heard both learned counsel.

4. The deceased was the only earning member of the applicants' family. The applicants need the amount for their daily expenses. They have no source of income. The issue raised by learned counsel for respondent No.1 -Insurance Company can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

> "1. The applicants are permitted to withdraw 50% of the amount deposited along with accrued interest thereon upon furnishing undertaking."

The civil application stand disposed of.

(S. G. DIGE, J.)