

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

**INTERIM APPLICATION NO. 15095 OF 2023
IN
FIRST APPEAL NO. 1663 OF 2013**

Ujalawati Devi Subhash R. Gupta & Ors.	Applicants
Versus	
United India Insurance Co. Ltd.	Respondent

Mr. Jitendra P. Gor for the Applicants.
Mr. Nikhil Mehta i/b KMC Legal Venture for the Respondent.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 13th DECEMBER, 2023.

P.C. :

1. Heard learned counsel for the Applicants and learned counsel for the Respondent.
2. It is contention of learned counsel for the Applicants that deceased was the sole earning member of Applicants' family. Applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the Appeal.
3. It is contention of learned counsel for the

Respondent/Insurance Company that deceased was travelling as a gratuitous passenger and was travelling in goods carrying vehicle, so he is not entitled for any compensation but, this fact is not considered by the tribunal. Hence, requested to reject the Application.

4. I have heard both learned counsel. Deceased died in the said accident and he was sole earning member of his family. Applicants have no source of income. They needs the amount for daily expenses. The issue raised by the learned counsel for the Respondent/Insurance Company can be considered at the time of final hearing of the Appeal. Hence, I pass following order.

ORDER

- i. The application is allowed.
- ii. The Applicants are permitted to withdraw 50% amount out of deposited amount along with accrued interest thereon. On furnishing usual undertaking.

The application is disposed off.

(SHIVKUMAR DIGE, J.)