

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

TAUSEEF
LAIQUEE
FAROOQUI

INTERIM APPLICATION NO.30324 OF 2022

IN

FIRST APPEAL (STAMP) NO.20040 OF 2018

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Shri. Ramashankar Ramavadh Pandey &
Ors.

... Applicant

V/s.

The New India Assurance Co. Ltd.

... Respondents

Mrs. Shalini Shankar for Applicant.

Mr. Y. M. Pendse a/w Mr. Amit Chaudhary for Respondent Nos.1 to 6.

CORAM : S.G. DIGE, J.

DATED : 8 MARCH, 2023

PC.:

1. Heard learned counsel for the Applicant and learned counsel for Respondent Nos.1 to 6.

2. Learned Counsel for the Applicant states that the deceased was sole earning member of Applicants' family. Applicants have no source of income. They need the amount for their daily expenses. The accident had occurred in the year 2001, since then the Applicants have not received any compensation. Hence, requested to allow the Application.

3. Learned counsel for Respondent Nos.1 to 6 strongly objected to allow the Application on the ground that Tribunal has

considered monthly income of deceased on higher side and on that basis excessive compensation has been awarded which is challenged by the Respondents by way of Appeal. Hence, requested to dismiss the Application.

4. I have heard both learned counsels. The deceased was sole earning member of the Applicants' family. Applicants have no source of income. The accident had occurred in the year 2001, since then Applicants have not received any compensation. Hence, I pass following .

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.)