

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.16661 OF 2023
IN
FIRST APPEAL NO.625 OF 2023

Smt.Vijaya Manesh Saykar & Ors.Applicants

V/s.

Royal Sundaram General Insurance Co.Respondents
Ltd.

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Date: 2023.12.28
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Mr.P.K. Bohade, for Applicant Nos.1 to 6.

Mr.Rahul Mehta i/b KMC Legal Venture, for the Respondents.

Mr.D.S. Joshi, for Respondent No.7.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st DECEMBER 2023

P.C:-

. Heard learned counsel for the Applicants and learned
counsel for the Respondents.

2. The learned counsel for the Applicants submit that
the deceased Karta of Applicant's family. He was only earning
member of Applicant's family. The Applicants needs the amount
for their daily expenses. They are facing starvation as there is no
source of income. Hence, requested to allow the Application.

3. The learned counsel for the Respondent has objected to allow the Application on the ground that the accident occurred due to sole negligence of the driver of the car in which the deceased was traveling. The Tribunal has considered income of deceased on higher side. There is breach of terms and conditions of the Insurance Policy. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was only earning member of the family, the Applicants needs the amount for their daily expenses. They have no source of income. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicants are permitted to withdraw 25% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)