

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 30550 OF 2022
IN
FIRST APPEAL NO. 543 OF 2022**

Vijaya Ashwin Zalake & Ors.	Applicants/Appellants
Versus	
New India Assurance Co. Ltd.Thr. Divisional Officer, Nashik	Respondent

...
Mr. Rajan S. Pawar, Advocate for the Applicants/Appellants.
Mr. Milind V. More, Advocate for the Respondent.
...

CORAM : SHIVKUMAR DIGE, J.

DATE : 13TH MARCH, 2023.

P.C. :

1. Heard learned counsel for Applicants and learned counsel for Respondent.
2. Learned counsel for Applicants submit that deceased was sole earning member of Applicants family. After his death, Applicants are facing financial difficulties. Applicant Nos. 2 and 3 need the amount for paying their education fees. The Applicants need the amount for daily expenses. Hence, requested to allow the

application.

3. Learned counsel for Respondent strongly objected to allow the application on the ground that the accident was occurred due to sole negligence of deceased. The FIR was lodged against the driver of unknown vehicle. The Tribunal has awarded exorbitant and excessive compensation which is challenged. The said order is challenged before this Court. Hence, requested to dismiss the application.

4. I have heard both learned counsel.

5. Deceased was the sole earning member of applicants family. Applicants need the amount for paying education fees of Applicant Nos. 2 and 3 and for daily expenses. Applicants have no source of income. The issue raised by the learned counsel for Respondent can be considered at the time of final hearing of appeal and I pass following order.

ORDER

- i. Application is allowed.
- ii. The Applicants are permitted to withdraw Rs. 1,00,000/- along with accrued interest thereon within six weeks on furnishing undertaking.
- iii. Application is disposed of

iv. Call for Report and Proceeding.

(SHIVKUMAR DIGE, J.)