

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

INTERIM APPLICATION NO. 30074 OF 2022

IN

FIRST APPEAL NO. 822 OF 2022

Surekha Baban Sangale & Ors

...Applicants

Versus

The New India Assurance Co. Ltd

...Respondent

Mr. Pritesh Bohade Advocate for the Applicant.

Mr. D.S. Joshi Advocate for the Respondents.

CORAM : S. G. DIGE, J.

DATE : 6TH FEBRUARY, 2023.

P.C. :

1. Heard learned counsel for applicants and learned counsel for respondent.
2. Learned counsel for applicants submit that deceased was Karta of the family. He was only earning member of applicants family. He died in the accident at the age of 28 years. Applicant No.1 is the wife of deceased and Applicant Nos. 2 and 3 are children of deceased. Applicants need the amount for their daily expenses and paying school fees. Hence, requested to allow the application.
3. Learned counsel for respondents strongly objected to

allow the application on the the ground that the Tribunal has considered monthly income of deceased on higher side. There was negligence of the deceased in the said accident. The respondent has challenged the order of Tribunal by way of appeal. Hence, requested to dismiss the application.

4. I have heard both learned counsel.

5. Deceased was the Karta of applicants family. Deceased was the only earning member of Applicants family. The issue of income of deceased on higher side raised by learned counsel for respondent can be considered at the time of final hearing.

6. Hence, I pass following order.

ORDER

I. Application is allowed.

ii. Applicant is permitted to withdraw 50% amount along with accrued interest thereon out of deposited amount on furnishing undertaking.

iii. Application is disposed of.

(S. G. DIGE, J.)