

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1528 OF 2023
IN
FIRST APPEAL (ST) NO. 3771 OF 2022

Mohini Vinayak Bhegade & Ors.Applicants
(Orig. Appellant-Claimants.)

In the matter between

Reliance General Insurance Co. Ltd.Appellant
(Ori. Opp. No. 2)

Versus

Mohini Vinayak Bhegade & Ors.Respondents

Mr. Uday B. Nighot for the Applicants.
Ms. Pratibha Shelke i/b Pandit Kasar for the Respondents/Appellants-
Insurance Co.

CORAM : S. G. DIGE, J.

DATE : 17th FEBRUARY 2023.

P.C. :

1. Heard learned counsel for the Applicants and the learned counsel for the Respondents.
2. The learned counsel for the Applicants submits that

deceased was the sole earning member of the Applicants' family. The Applicants have no source of income, they need the amount for daily expenses and for paying the school fees of Applicant Nos. 2 to 4, as they are taking education. But, due to paucity of fund Applicants are facing hardship. Hence, requested to allow the Application.

3. The learned counsel for the Respondents, strongly objected to allow the Application, on the ground that there was specific defense of the Respondents before the Tribunal that the policy produced before the tribunal was false and fabricated policy but said defense was not considered by the Tribunal. Hence, requested dismiss the Application.

4. I have heard both learned counsel. Perused judgment and order passed by Tribunal.

5. The deceased was the only earning member of Applicants' family. The Applicants have no source of income. They need the amount for their daily expenses and for paying school fees of Applicant Nos. 2 to 4, who are sons of deceased . The tribunal after considering the defense raised by the Respondents, the Tribunal has awarded the compensation. Hence, I pass following order.

ORDER

- i. Application is allowed.
- ii. Applicants are permitted to withdraw 40%
amount along with accrued interest thereon, out
of deposited amount on furnishing undertaking.
- iii. The Application is disposed of.

(S. G. DIGE, J.)