

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.18108 OF 2023
IN
FIRST APPEAL NO.1243 OF 2022

Sarita Jayanta Jitekar & Ors.Applicants

V/s.

United India Insurance Co. Ltd. & Anr.Respondents

Ms.Sandhya Mailagir i/b Ms.Neesha Mailagir, for the Applicants.
Mr.Amol Gatne, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st DECEMBER 2023

P.C:-

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

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

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3. The learned counsel for the Respondent has objected to allow the Application on the ground that the Tribunal has considered yearly income of deceased on higher side on the basis of the Income Tax Returns, which were filed prior to the date of the accident, which is not proper. 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. The issue raised by the learned counsel for the Respondent-Insurance Company can be considered at the time of the final hearing of the Appeal. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicants are permitted to withdraw 50% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)