

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 401 OF 2023
IN
FIRST APPEAL NO. 209 OF 2022**

Smt. Harsh Priya Nilesh Warghat & Ors.	Applicants
Versus	
Reliance General Insurance Co. Ltd.	Respondent

Mr. Yogesh Pande, Advocate for the Applicants.
Ms. Poonam Mital, Advocate for the Respondent - Insurance
Company in Interim Application.

CORAM : S. G. DIGE, J.

DATE : 8th FEBRUARY 2023.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for respondent-Insurance Company.

2. Learned counsel for the applicants submits that the deceased was the Karta of the applicants' family, he was the only earning member of the applicants' family. Due to tragic death of the deceased, the applicants suffered irreparable, financial and psychological loss. The applicants needs the amount for their daily expenses. Hence, requested to allow the application.

3. Learned counsel for respondent- Insurance Company objected to allow the application on the ground that the Tribunal has awarded exorbitant and excessive compensation without any evidence on record and at the time of the accident, the driver of the offending vehicle was not holding an effective and valid driving license. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The deceased was the sole earning member of the applicants' family. The applicants need the amount for their daily expenses. The applicants have no source of income. Hence, I pass the following order :

ORDER

1. The application is allowed.
2. The applicants are permitted to withdraw 50% amount along with accrued interest therein, out of the amount deposited, on furnishing undertaking.

The application is disposed of.

(S. G. DIGE, J.)