

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1236 OF 2023
IN
FIRST APPEAL NO.362 OF 2022**

Sujata Vishwanath Biman & Ors.

....Applicants

Versus

Reliance General Insurance Company Ltd.
& anr.

....Respondents

Ms. Rina Kundu, Advocate for the Applicants.

Ms. Megha Keluskar i/b. Ms. Shalini Shankar, Advocate for
Respondent No.1/Appellant..

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th APRIL, 2023.

P.C. :

1. Heard learned counsel for the applicants and learned
counsel for the respondent No.1.

2. Learned counsel for the applicants submits that deceased
was the sole earning member of the applicants' family. The
applicants have no source of income, the applicants need the
amount for daily expenses, hence, requested to allow the
application.

3. Learned counsel for the respondent No.1-insurance company strongly objected to allow the application on the ground that the accident was caused due to sole negligence of the deceased but the Tribunal has not considered this fact and has awarded excessive and exorbitant compensation. 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 have no source of income, they need the amount for their daily expenses. Hence, I pass the following order.

ORDER

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

The application stands disposed of.

(SHIVKUMAR DIGE, J.)