

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.17519 OF 2023
IN
FIRST APPEAL NO.970 OF 2023

Smt.Dagdabai Gida @ Bhika Shinde &
Ors.

....Applicants

V/s.

Reliance General Insurance Co. Ltd,Respondents
Thane, Thr. Its Divisional Manager

NILAM
SANTOSH
KAMBLE

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Date: 2023.12.08
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Ms.Rina Kundu, for the Applicants.

Ms.Kalpana Trivedi a/w Mr.Roshan Bamne, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th DECEMBER 2023

P.C:-

. Heard learned counsel for the Applicant and learned
counsel for the Respondents.

2. The learned counsel for the Applicants submit that
the deceased was Karta of Applicant's family. He 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.

3. The learned counsel for the Respondent-Insurance Company submitted that, the Tribunal has considered monthly income of deceased on higher side and on that basis compensation is awarded and the driver of the insured vehicle was not holding effective and valid driving licenses it is also not considered by the Tribunal, hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was only earning member of the Applicant's family, the Applicants needs the amount for their daily expenses. They have no source of income. 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.)