

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

INTERIM APPLICATION NO. 17894 OF 2023

IN

FIRST APPEAL NO. 932 OF 2023

Seema Uday Dhotre

....Applicant

Versus

Reliance General Insurance Co. Ltd. & Anr.

....Respondents

Ms. Varsha Chavan for the Applicant.

Mr. Pandit Kasar for the Respondent No.1.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 20th DECEMBER, 2023.

P.C. :

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

2. Learned counsel for the Applicant submits that deceased was only son of the Applicant. Applicant has no source of income. She needs the amount for daily expenses. Deceased was the only son of the Applicant. Hence, requested to allow the Application.

3. Learned counsel for the Respondent No.1/Insurance Company submits that car in which deceased was travelling had given dash to the offending vehicle from the back side. There was negligence of the driver of car but, this fact is not considered by the tribunal. Hence, requested to reject the Application.

4. I have heard both learned counsel. Deceased was only son of Applicant. Applicant has no source of income. She needs the amount for daily expenses. The issue raised by the learned counsel for the Respondent No.1/Insurance Company can be considered at the time of final hearing of the Appeal. Hence, I pass following order.

ORDER

- i. Application is allowed .
- ii. Applicant is permitted to withdraw 25% amount out of deposited amount along with accrued interest thereon. On furnishing usual undertaking.

The application is disposed off.

(SHIVKUMAR DIGE, J.)