

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

INTERIM APPLICATION NO. 1207 OF 2023

IN

FIRST APPEAL NO. 1242 OF 2022

Bhausahab Shankar Gaikwad & Ors.

....Applicants

Versus

Reliance General Insurance Co. Ltd.

....Respondents

Mr. Yuvraj Narvankar for the Applicants.

Ms. Megha Keluskar i/b shalini Shankar for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th APRIL 2023.

P.C. :

1. Learned counsel for the applicants submit that deceased was the sole earning member of applicants' family. Applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the application.

2. Learned counsel for Respondent/Insurance Company objected to allow the application on the ground that the an accident

there was contributory negligence of the deceased. The tribunal has considered the income of deceased on higher side and on that basis exorbitant and excessive compensation is awarded. Hence, requested to dismiss the Application.

3. I have heard both learned counsel, deceased was the sole earning member of Applicants' family. Applicants have no source of income. They need the amount for daily expenses. The issue raised by the Respondent/Insurance Company can be considered at the time of final hearing of the appeal and I pass following order.

ORDER

- i. Application is allowed.
- ii. Applicants are permitted to withdraw 50% amount out of deposited amount alongwith accrued interest thereon, on furnishing undertaking.
- iii. Application disposed of

(SHIVKUMAR DIGE, J.)