IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.18139 OF 2023
IN
FIRST APPEAL (ST) NO.22457 OF 2022

Smt.Ranjana Rajendra Sarode & Ors. ….Applicants
V/s.
New India Insurance Co. Ltd. ….Respondents

Mr.Siddarth N. Sutaria i/b Mr.S.N. Khose, for the Applicants.
Mr.Rajesh Kanojua i/b Res Juris, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st DECEMBER 2023

P.C:-

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

2. The learned counsel for the Applicant's submit that, the deceased 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 has objected to allow the Application on the ground that, in connected matters out of the same accident the Tribunal has exonerated the deceased and the Tribunal has fixed 100% liability on Insurance Company and the same fact is challenged before this Court. Hence, requested to reject the Application.

4. I have heard both the learned counsel.

5. The deceased was only earning member of the family, the Applicant's needs the amount for their daily expenses. They have no source of income. The issue raised by the learned counsel for the Respondent-Insurance Company can be considered at the time of the final hearing of the Appeal. Hence, I pass following order.

ORDER

(i) The Application is allowed.

(ii) The Applicants are permitted to withdraw 40% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)