

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

INTERIM APPLICATION NO. 18029 OF 2023

in

FIRST APPEAL STAMP NO. 16318 OF 2023

Kishor Ashok Pandilwar	Applicant
In the matter of	
Reliance General Insurance Co. Ltd.	Appellant
Versus	
Kishor Ashok Pandilwar and anr.	Respondents

Ms. Yashika Jain i/b. Ms.Jitendra Gor, Advocate for the Applicant.
Mr. Akshay Kulkarni, Advocate for the Appellant-Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th DECEMBER, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for appellant-Insurance Company.
2. Learned counsel for the applicant submitted that the deceased was the husband of applicant. Due to the sudden death of deceased, applicant's whole family went under shock. The deceased was the sole earning member of the applicant's family. Applicant has no source of income, she needs the amount for daily expenses. Hence, requested to allow the application.

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3. Learned counsel for appellant- Insurance Company objected to allow the application on the ground of negligence of the deceased in the accident but the Tribunal has not considered the same. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The deceased was the sole earning member of the applicant's' family. The applicant has no source of income. The applicant needs the amount for her daily expenses. The applicants have no source of income. The ground raised by the appellant-Insurance Company can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

1. The application is allowed.
2. The applicant is permitted to withdraw 30% amount along with accrued interest therein, out of the deposited amount on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)