IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.990 OF 2024
IN
FIRST APPEAL (ST) NO.16797 OF 2023

Smt.Vimal Suresh Borage & Ors. ....Applicants

V/s.

IFFCO TOKIO General Insurance Co. Ltd. ....Respondents

Mr.Rishikesh A. Mohite, for the Applicants.
Mr.Rahul Mehta i/b KMC Legal Venture, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 31st JANUARY 2024

P.C:-

. Heard learned counsel for the Applicants.

2. The learned counsel for the Applicants submit that, the deceased was sole earning member of Applicant's family. The Applicants needs the amount for their daily expenses. They 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, there was breach of

Terms and Conditions of Insurance Policy and issue of non involvement of the vehicle raised before the Tribunal, but this fact is 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 family, the Applicants needs the amount for their daily expenses. They have no source of income. The issue raised by the learned counsel for the Respondent can be considered at the time of final hearing of the Appeal. Hence, I pass following order.

ORDER

(i) The Application is allowed.

(ii) The Applicants are permitted to withdraw 20% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)