**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE SIDE JURISDICTION**

**INTERIM APPLICATION NO. 1797 OF 2024**
**IN**
**FIRST APPEAL NO. 76 OF 2024**

Neelima Rakesh Gandhi & Ors. ….Applicants
**Versus**
HDFC ERGO General Insurance Co. Ltd. ….Respondent

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Mr. Jitendra Gor, Advocate for the Applicants.
Mr. Sarthak Diwan, Advocate for the Respondent.

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**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 4th MARCH, 2024.**

**P.C. :**

1. It is contention of learned counsel for the Applicants that the deceased was the sole earning Member of Applicants' family. Applicants have no source of income. They needs the amount for their daily expenses. Hence, requested to allow the Appeal.

2. It is contention of learned counsel for the Respondent/Insurance Company that at the time of accident deceased was not holding the effective and valid driving licence, but the

documents in support of this contention were produced on record, but it was not considered by the Tribunal. Hence, requested to reject the application.

3. I have heard both learned counsel. Deceased was the sole earning members of Applicants' family. Applicants have no source of income. They need the amount for their daily expenses. 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. Application is allowed.

ii. Applicants are permitted to withdraw 60% amount out of deposited amount along with accrued interest thereon, on furnishing undertaking.

Application is disposed of.

**(SHIVKUMAR DIGE, J.)**