

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2045 OF 2024
IN
FIRST APPEAL NO.574 OF 2024

Rahul @ Rawul Bhaguram Sawant & Ors. Applicants

V/s.

Reliance General Insurance Co. Ltd. Respondents

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Mr.Selvin Parade a/w Ms.Yashika Jain and Mr.Jitendra Gor, for
the Applicants.

Mr.A.A. Ghadge i/b Mr.A.A. Kulkarani, for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd MAY 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 have
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 the accident occurred

due to sole negligence of the deceased, the Tribunal has considered monthly income of the deceased on higher side. 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 Respondent can be considered at the time of the final hearing. 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.)