

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.7259 OF 2024
IN
FIRST APPEAL NO. 992 OF 2023

Rangeeta Balram Dubey and ors.	...	Applicants
In the matter of		
Reliance General Insurance Co.Ltd., Mumbai.	...	Appellant
versus		
Rangeeta Balram Dubey and ors.		Respondents

Ms. Varsha Chavan, Advocate for Applicants/Claimants.

Mr. Avesh A. Ghadge i/b. Mr. Akshay A. Kulkarni, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th APRIL, 2024.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for appellant-Insurance Company.
2. Learned counsel for the applicants submitted that the deceased was the sole earning member of the applicants' family. The applicants have no source of income, they need the amount for their daily expenses. Hence, requested to allow the application.
3. Learned counsel for appellant - Insurance Company strongly objected to allow the application on the ground that the accident occurred

due to sole negligence of the deceased, no evidence was produced on record to prove the negligence of the driver of the offending vehicle but this fact is not considered by the Tribunal. Hence, requested to reject the application.

4. I have heard both learned counsel. The deceased was the sole earning member of the applicants' family. The applicants need the amount for their daily expenses. The applicants have no source of income. The grounds 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 applicants are permitted to withdraw 40% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)