

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

**INTERIM APPLICATION NO. 8655 OF 2024
IN
FIRST APPEAL (ST) NO. 2478 OF 2021**

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Shaukiya N. Kzai & Anr.

....Appellant

IN THE MATTER BETWEEN

Divisional Manager

Bharti Axa General Insurance Co. Ltd.

....Appellant

Versus

Shaukiya N. Kzai & Ors.

....Respondents

Mr. Yogesh Pande, Advocate for the Applicant/Respondent Nos.1 & 2

Mr. Nikhil Mehta i/b KMC Legal Venture, Advocate for the

Appellant/Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th MAY, 2024.

P.C. :

1. By this application, Applicants are seeking withdrawal of the amount.

2. It is contention of learned counsel for the Applicants submits that 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 Application.

3. Learned counsel for the Appellant/Insurance Company

submits that the Tribunal has considered monthly income of the deceased considered on higher side and wrong multiplier is applied but this fact is not considered by the Tribunal. Hence, requested to reject the Application.

4. I have hear both learned counsel.

5. The deceased was the sole earning member 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 Appellant/Insurance Company can be considered at the time of final hearing of the Appeal and, I pass following order:

ORDER

- i. Application is allowed.
- ii. The Applicants are permitted to withdraw 30% amount, out of deposited amount along with accrued interest thereon, on furnishing undertaking.
- . The Interim application stands disposed of.

(SHIVKUMAR DIGE, J.)