

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 7873 OF 2024
IN
FIRST APPEAL NO. 934 OF 2023**

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TIKAM**

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Shital Ranjit Lugde and Ors.	...	Applicants
versus		
Reliance General Insurance Co. Ltd., Kolhapur.		Respondents

Ms. Kalyani Mangave i/by Manoj Patil, Advocate for the Applicant in IA No. 7873/2024 and for Respondent Nos. 1 to 5 in FA/934/2023
Mr. Pandit Kasar for Respondent and for Appellant in FA No. 934 of 2023.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th APRIL, 2024.

P.C. :

1. Heard learned counsel for the Applicants and learned counsel for the Respondents.
2. By this Application, the Applicants are seeking withdrawal of the amount.
3. It is contention of learned counsel for the Applicants that the deceased was sole earning member of the Applicants' family. Applicants have no source of income. They need the amount for daily expenses. Hence, requested to allow the Application.
4. Learned counsel for the Respondent- Insurance Company submits that the Tribunal has considered notional monthly income of the deceased on higher side and on that basis compensation is awarded,

which is erroneous. Hence, requested to reject the application.

5. I have heard both learned counsel. The deceased was sole earning member of the Applicants' family. Applicants have no source of income. They need the amount for the daily expenses. The issue raised by learned counsel for the Respondent -Corporation can be considered at the time of final hearing of the Appeal. Hence, I pass the following order.

- i. The Interim Application No. 7873 of 2024 is allowed.
- ii. The Applicants are permitted to withdraw 50% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The Application is disposed of.

(SHIVKUMAR DIGE, J.)