

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8374 OF 2024

IN

FIRST APPEAL NO. 963 OF 2023

Dilip Narayan Dhane and Ors.

... Applicants

IN THE MATTER OF :

Future Generali India Insurance Co. Ltd.

... Appellant

Versus

Dilip Narayan Dhane and Ors.

... Respondents

.....

Mr. Pritesh K. Bohade, Advocate for Applicants.

Mr. Rajesh Kanojia i/b. Res Juris, Advocate for the Appellant.

Mr. Mohan N. Devkule, Advocate for Respondent No.4.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th 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 24 year old at the time of accident. Applicant Nos. 1 and 2 are the parents of the deceased and applicant No.3 is the sister of the deceased. The applicants were dependent on the income of deceased. They need the amount for daily expenses. Hence, requested to allow the application.
3. Learned counsel for the appellant-Insurance Company submits

that the Tribunal has deducted 1/3rd amount for personal expenses instead of 1/2 amount. The Tribunal has considered monthly income of the deceased at Rs.20,000/- per month which is excessive and on that basis compensation is awarded which is erroneous, hence requested to reject the application.

4. I have heard both the learned counsel. Applicant Nos. 1 and 2 are the parents and applicant No.3 is the sister of the deceased. Applicants need the amount for their daily expenses. The issue raised by the appellant-Insurance Company can be considered at the time of final hearing of the appeal. Hence, considering this fact, I pass following order:

ORDER

- i. The application is allowed.
- ii. The applicants are permitted to withdraw 30% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. The application is disposed of.

(SHIVKUMAR DIGE, J.)