

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.14833 OF 2023IN
FIRST APPEAL NO. 439 OF 2024**

Yogesh Tanaji Bhor and ors.	...	Applicants.
In the matter of.		
The New India Assurance Co. Ltd. through Divisional Manager.	...	Appellant
versus		
Yogesh Tanaji Bhor and ors.		Respondents

Mr. Pritesh K. Bohade, Advocate for the Applicants.
Ms. S. S. Dwivedi, Advocate for the Appellant.
Ms. Sapna S. Krishnappa, Advocate for Respondent No.4.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st 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. After the death of the deceased, the applicants have no source of income. The applicants need the amount for their daily expenses. Hence, requested to allow the application.
3. Learned counsel for appellant - Insurance Company submitted the applicant Nos.1 and 2 are the major sons of the deceased. While

**SHUBHADA
SHANKAR
KADAM**

Digitally signed by
SHUBHADA
SHANKAR KADAM
Date: 2024.04.02
11:04:33 +0530

awarding compensation, the Tribunal has considered the pension amount as well as future prospects is given on the pension amount and multiplier is applied, which is erroneous. 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 have no source of income, they need the amount for their daily expenses. The issues raised by the appellant-Insurance can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

O R D E R

1. The application is allowed.
2. The applicants are permitted to withdraw 25% amount along with accrued interest therein, out of the deposited amount on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)