IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.17068 OF 2023
IN
FIRST APPEAL NO.167 OF 2017

Mrs.Pratibha Anil Umbranikar (Deceased) & Ors. ….Applicants

V/s.

HDFC Ergo General Insurance Co. Ltd. & Anr. ….Respondents

Mr.Yogesh Pande, for the Applicants.
Ms.Sweta Shah a/w Mr.Gaurav Sahane i/b Mr.A.P. Kulkarni, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th JANUARY 2024

P.C:-

. Heard learned counsel for the Applicants.

2. The learned counsel for the Applicants submit that, the deceased was sole earning member of Applicant's family. The Applicants needs the amount for their daily expenses. They are facing starvation as there is no source of income. Hence, requested to allow the Application.

3. The learned counsel for the Respondent has objected to allow the Application on the ground that, the Insurance Policy was taken after the accident. But this fact is not considered by the Tribunal, hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was sole earning member of the family, the Applicants needs the amount for their daily expenses. They have no source of income. The isssue raised by the learned counsel for the Respondent-Insurance Company can be considered at the time of the final hearing of the Appeal. Hence, I pass following order.

ORDER

(i) The Application is allowed.

(ii) The Applicants are permitted to withdraw 25% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)