

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

INTERIM APPLICATION NO. 17511 OF 2023

**IN
FIRST APPEAL NO. 935 OF 2023**

Sarla Ravindra Deore & Ors.Applicants

Versus

Reliance General Insurance Co. Ltd. & Anr.Respondents

Ms. Rina Kundu, Advocate for the Applicants.

Mr. Pandit Kasar, Advocate for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th JANUARY, 2024.

P.C. :

1. It is contention of learned counsel for the Applicants that deceased was the sole earning member of Applicants' family. Applicants have no source of income. They need the amount for daily expenses. Hence, requested to allow the Application.

2. It is contention of learned counsel for the Respondent No.1/Insurance Company that issue was raised before the trial Court about the involvement of the vehicle but, it was not considered by the Tribunal. Hence, requested to reject the Application.

3. I have heard both learned counsel. Deceased was the sole earning member of Applicants' family. They have no source of income. They need the amount for daily expenses. The issue raised by the learned counsel for the Respondent No.1/Insurance Company can be considered at the time of final hearing of the appeal. Hence, I pass following order;

ORDER

- i. Application is allowed.
- ii. Applicants are permitted to withdraw 20% amount along with accrued interest thereon, on furnishing undertaking.
- iii. Application is disposed of.

(SHIVKUMAR DIGE, J.)