

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.18095 OF 2023
IN
FIRST APPEAL NO. 666 OF 2008

Maqsood Abdequaem TyebyApplicant

V/s.

United India Insurance Co. Ltd.Respondent

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Mr.Partho Sarkar a/w Ms.Priyal Gupta, Mr.Aziz Wadhwania, for
the Applicant.

Ms.Poonam Mital, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th JANUARY 2024

P.C:-

. Heard learned counsel for the Applicant and learned
counsel for the Respondent.

2. The learned counsel for the Applicant 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 Tribunal has considered income of deceased on higher side without any proof on record and on that basis compensation is awarded, which is not proper. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was only earning member of the family, the Applicants needs the amount for their daily expenses. They have no source of income. The issue raised by the learned counsel for the Respondent 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.)