

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 249 OF 2024
IN
FIRST APPEAL STAMP NO. 26622 OF 2022**

Rameshwar Harhangi Chauhan and ors. Applicants

In the matter of

Reliance General Insurance Co. Ltd. ... Appellant/
Applicant

Versus

Rameshwar Harhangi Chauhan and Ors. ... Respondents

Ms. Varsha Chavan, Advocate for the Applicants/claimants..

Ms. Shalini Shankar, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 9th JANUARY, 2024.

P.C. :

1. Heard learned counsel for the applicants/claimants 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. The applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the application.
3. Learned counsel for appellant- Insurance Company submitted that the Tribunal has considered monthly income of the deceased on higher side and, on that basis, compensation is awarded, which is not proper. 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 grounds raised by learned counsel for the appellant-insurance company 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 the 30% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed off.

(SHIVKUMAR DIGE, J.)