

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.371 OF 2024
IN
FIRST APPEAL NO. 1200 OF 2023

Mr.Virendra Pratapsangram Singh & Ors.Applicants

V/s.

The IFFCO TOKIO General InsuranceRespondent
Co. Ltd.

NILAM
SANTOSH
KAMBLE

Digitally signed by
NILAM SANTOSH
KAMBLE
Date: 2024.01.29
14:47:19 +0530

Ms.Mitali Nibre i/b Mr.V.V. Parashurami, for the Applicants.
Ms.Jonita D'abereo i/b JRA Law Associates LLP, for the
Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th 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 initially the Application was filed under Section 163A of the M.V. Act, thereafter it was converted under Section 166 of the M.V. Act. The Tribunal has awarded compensation is on higher side, which is not proper. 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 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 20% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)