

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

**INTERIM APPLICATION NO. 1454 OF 2024
IN
FIRST APPEAL NO. 299 OF 2023**

Madhuri w/o. Balasaheb Sawant &Applicants
Ors.

IN THE MATTER BETWEEN:

Reliance General Insurance Co. Ltd.,Appellant
Kolhapur

V/s.

Madhuri w/o. Balasaheb Sawant &Respondents
Ors.

Mr. S. G. Thorat, for the Applicants/claimants.
Ms. Shalini Shankar, for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th FEBRUARY, 2024

P.C:-

1. Heard learned counsel for the Applicants.
2. The learned counsel for the Applicants submit that, the deceased was sole earning member of Applicants' family. The Applicants needs the amount for their daily expenses. They have

Digitally
signed by
GANESH
SUBHASH
LOKHANDE
Date:
2024.02.21
18:18:02
+0530

facing starvation as there is no source of income. Hence, requested to allow the Application.

3. Learned counsel for the Appellant-Insurance Company strongly objected to allow the Application on the ground that the Tribunal has considered monthly income on higher side without evidence produced on record. Hence, requested to dismissed the Application

4. I have heard both the learned counsel. The deceased was the only earning member of the family, the Applicants needs the amount for their daily expenses, they have no source of income. Hence, I pass following order.

ORDER

- i. The Application is allowed;
- ii. The Applicants are permitted to withdraw 40% amount as per the apportionment made by the Tribunal along with accrued interest thereon out of deposited amount on furnishing undertaking.
- iii. The Interim Application is disposed of accordingly.

(SHIVKUMAR DIGE, J.)