

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

FIRST APPEAL NO.932 OF 2024

The Chola mandalam MS General Insurance Appellant
Co., Thr. Its Divisional Manager

V/s.

Supriya Pradip Dhomse & Ors. Respondents

**WITH
INTERIM APPLICATION NO.11911 OF 2024
IN
FIRST APPEAL NO.932 OF 2024**

Supriya Pradip Dhomse & Ors. Applicants

V/s.

The Chola mandalam MS General Insurance Respondent
Co., Thr. Its Divisional Manager

Mr.Sarthak S. Diwan, for the Appellant.

Ms.Rupa Singh i/b Mr.Rajan S. Pawar, for Respondent Nos.1 to
3.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th NOVEMBER 2024

P.C:-

INTERIM APPLICATION NO.11911 OF 2024

. 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 have 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 driver who was shown as driver of offending vehicle was not driving the said vehicle. At the time of accident, the deceased was driving the said vehicle. But these facts are not considered by the Tribunal. The driving licenses was swapped. The income of the deceased is considered on higher side. 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 Applicant's needs the amount for their daily expenses. They have no source of income. The issue raised by the Respondent can be considered at the time of the final hearing. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicants are permitted to withdraw 50%

amount along with accrued interest thereon on
furnishing undertaking.

FIRST APPEAL NO.932 OF 2024

6. Heard learned counsel for the Appellant and learned
counsel for Respondents.
7. The learned counsel for the Respondents tendered
compilation of documents. It is taken on record.
8. Stand over to 22nd November 2024.

(SHIVKUMAR DIGE, J.)