IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12444 OF 2024
IN
FIRST APPEAL NO.1167 OF 2023

Smt.Soni Aftab Khan (For Her Self & Natural Guardian & Mother of Applicant No.2) & Ors. …. Applicants

NILAM SANTOSH KAMBLE
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Date: 2024.11.18 12:54:41 +0530

V/s.

The Manager, Tata AIG General Insurance Co. Ltd., Pune & Anr. …. Respondents

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Mr.Vaibhav R. Gaikwad, for the Applicants.
Mr.D.S. Joshi, for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th NOVEMBER 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 Applicant's 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 cheque which

was issued for Insurance Policy was dishonored. The driver of the offending vehicle was not holding valid and effective license. But these facts are not considered by the Tribunal. Hence, requested to dismiss the Application.

4. I have heard both 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.

(SHIVKUMAR DIGE, J.)