

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.499 OF 2024
WITH
INTERIM APPLICATION NO.7255 OF 2024

Cholamandalam Ms. Gen. Insurance Co. Appellant
Ltd

V/s.

Surekha Rohidas Potale & Ors. Respondents

NILAM
SANTOSH
KAMBLE
Digitally signed
by NILAM
SANTOSH
KAMBLE
Date:
2024.11.22
15:35:59 +0530

WITH
INTERIM APPLICATION NO.12936 OF 2024
IN
FIRST APPEAL NO.499 OF 2024

Smt.Seema Nitin Ghare (For herself and Applicants
minor Respondent No.2 to 4 mother
Guardian) & Ors.

V/s.

The Manger, Cholamandalam Respondents
Ms. Gen. Insurance Co. Ltd. & Anr.

Mr.Rajesh Kanojia i/b Res Juris, for the Appellant/Applicant
Mr.Atharva R. B. a/w Mr.Yash Naik i/b Mr.Vaibhav Gaikwad, for
Respondent Nos.1 to 6.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st NOVEMBER 2024

P.C:-

INTERIM APPLICATION NO.12936 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 Tribunal has considered monthly income of the deceased at Rs.30,000/- per month, which is excessive and higher side and on that basis compensation is awarded, which is erroneous. 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 25%

amount along with accrued interest thereon on
furnishing undertaking.

FIRST APPEAL NO.499 OF 2024

6. Leave to file compilation of documents.
7. Stand over to 19th December 2024.

(SHIVKUMAR DIGE, J.)