

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14307 OF 2024  
IN  
FIRST APPEAL (ST) NO.8653 OF 2024

Mahesh Laxman Surve & Anr. .... Applicants

V/s.

Shriram General Insurance Co. Ltd., .... Respondents  
Mumbai & Ors.

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WITH  
INTERIM APPLICATION NO.7026 OF 2024  
IN  
FIRST APPEAL (ST) NO.8653 OF 2024

Shriram General Insurance Co. Ltd., .... Applicants  
Mumbai & Ors.

V/s.

Mahesh Laxman Surve & Anr. .... Respondents

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Mr.T.R. Kale i/b Mr.T.J. Mendon, for the Applicant in IA  
No.14307 of 2024.

Ms.Shalini Shankar, for the Applicant in IA No.7026 of 2024.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 14<sup>th</sup> NOVEMBER 2024

P.C:-

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. 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 are the parents of the deceased. 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 Tribunal has awarded compensation on higher side without any reasonable ground. 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.

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6. The learned counsel for the Applicant submit that the Applicant has deposited entire award amount along with accrued interest thereon, hence, requested to stay the impugned order.

7. Considering the submissions of the learned counsel as well as reasons mentioned in the Application, the impugned order is stayed till final disposal of the Appeal.

8. The Interim Application is disposed of.

**(SHIVKUMAR DIGE, J.)**