

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.16185 OF 2024
IN
FIRST APPEAL NO.959 OF 2024

Shaukiya N. Kazi & Anr. Applicants

V/s.

Divisional Manager, Bharati Axa General Respondents
Insurance Co. Ltd.

Mr.Yogesh Pande, for the Applicants.

Mr.Rahul Mehta, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th JANUARY 2025

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 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 Tribunal has awarded compensation on higher side without any reasonable

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ground and the accident occurred due to sole negligence of the deceased. 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 out of the deposited amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)