

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3266 OF 2016
IN
FIRST APPEAL NO.790 OF 2016

Swati Ajit Pawar and others Applicants.

V/s.

New India Assurance Co.Ltd Respondents

Ms. Varsha Chavan, for the Applicant.

Mr. Devendranath S. Joshi, for the Respondent

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 24TH AUGUST, 2016.

P.C. :

1. This application is preferred by original claimant seeking withdrawal of certain amount, on the ground that they are having no source of income and to repay the loan taken by them for their maintenance and education of children. The total amount deposited by the Insurance Company is Rs.26,42,833/-. Though learned counsel for respondent Insurance Company submits that statutory defence raised in challenging the claim is that the deceased was not having driving licence and hence appeal needs to be heard on merits, having regard to the fact that applicants are in urgent need of money, at least some amount needs to be granted to them. Application is allowed. Applicants are permitted to

withdraw an amount of Rs.10,00,000/- on furnishing usual undertaking, at this stage with liberty to file fresh application as and when necessary for further amounts.

2. Application is disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]