

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 11764 OF 2022
IN
FIRST APPEAL 452 OF 2022

URMILA SURESH BOBADE AND OTHERS
VERSUS
CHOLAMANDALAM M.S. GENERAL INSURANCE CO. LTD., THR ITS
BRANCH MANAGER, AURANGABAD AND ORS

...
Advocate for Applicants : Mr. Deshmukh Wasim Ahmed A
Advocate for respondent No.1 : Mr. S.G. Chapalgaonkar
Advocate for respondent Nos. 2 and 3 : Mr. P. S. Khosti
....

CORAM : S. G. DIGE, J.
DATE : 17.08.2022

PER COURT :-

Heard learned counsel for the applicant and learned counsel for respondent No.1.

2. Learned counsel for the applicant submits that, Suresh Bobade who was the husband of applicant No.1 and father of minor applicant Nos. 2 and 3, died in the accident. He was sole earning member of their family. The applicants have taken hand loans from the relatives for medical expenses of the husband. There is no other source of income to the applicants. Applicants want to clear all loans and liabilities of the

deceased. Hence requested to allow the application.

3. Learned counsel for respondent No.1 submits that, respondent has impugned the order of Tribunal on various grounds. If applicants are allowed to withdraw the amount and respondents succeed in the appeal, then it would be difficult for the respondent to recover the amount. Hence requested to dismiss the application.

4. I have heard both the learned counsel. Applicant no.1 is the widow of the deceased and applicant Nos. 2 and 3 are minor son and daughters. They need the amount to clear the loan taken for medical expenses of the deceased. They also require amount for their day to day expenses. Hence I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant No.1 is permitted to withdraw 50% amount out of deposited amount along with accrued interest as per her share on furnishing undertaking.

**(S.G. DIGE,)
JUDGE**

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