

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3959 OF 2023 IN
FIRST APPEAL NO. 1138 OF 2022

Mahananda Nagnath Palamkar & Ors.

....Applicants

Versus

Divisional Manager, Bajaj Allianz General
Insurance Co. Ltd.

....Respondent

Mr. Yogesh Pande for the Applicants.

Mr. Sarthak S. Diwan for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 20th APRIL 2023.

P.C. :

1. Not on board. Taken on board.
2. Heard learned counsel for the Applicants and learned counsel for the Respondent.
3. Learned counsel for the Applicants submit that the deceased was sole earning member of Applicants' family. Applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the Application.
4. Learned counsel for the Respondent strongly objected to

allow the Application, on the ground that at the time of accident driver of offending vehicle was not holding effective and valid driving license. The said fact was proved before the tribunal in spite of compensation is awarded. Hence, requested to dismiss the Application.

5. I have heard both learned counsel, deceased was sole earning member of Applicants' family. Applicant have no source of income, they need the amount for daily expenses. The issue raised by the learned counsel for the Respondent/Insurance Company can be considered at the time of final hearing of the Appeal and I pass following order.

ORDER

- i. Application is allowed.
- ii. Applicants are permitted to withdraw 50% amount, out of deposited amount along with accrued interest thereon, on furnishing undertaking.
- iii. Application disposed of.

6. Learned counsel for the applicant submits that the applicant no. 5 is died during the pendency of this appeal. His share be distributed equally amongst other applicants, his statement is accepted. The withdrawal amount be distributed equally along with other Applicants.

(SHIVKUMAR DIGE, J.)