

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 15093 OF 2023****IN****FIRST APPEAL NO. 673 OF 2013**

Sandip Kisan Gite and Anr.

... Applicants

IN THE MATTER OF

Bajaj Allianz Insurance Co. Ltd.

... Appellant

Versus

Sandip Kisan Gite and Anr.

... Respondents

.....

Mr. Pritesh K. Bohade, Advocate for the Applicants in IA/15093/2023 and Respondents in FA/673/2013.

Ms. Yogita Deshmukh, Advocate for Appellant.

CORAM : SHIVKUMAR DIGE, J.**DATE : 22nd DECEMBER, 2023****P.C. :**

1. Heard learned counsel for the applicants.
2. By this application, applicants are seeking withdrawal of amount. It is the contention of learned counsel for the applicants that deceased was a sole earning member of applicants' family. Applicants were dependent on the income of deceased. Applicants need the amount for daily expenses. Hence, requested to allow the application.
3. It is the contention of learned counsel for the appellant/Insurance Company that the offending vehicle was not registered with the RTO and

this issue was raised before the Tribunal. It was not considered by the Tribunal, hence requested to reject the application.

4. I have heard both the learned Counsel. The deceased was the sole earning member of the applicants' family. Applicants need the amount for their daily expenses. Applicants have no source of income. The grounds raised by the respondents can be considered at the time of final hearing of the appeal. Hence, Considering this fact, I pass following order :

ORDER

(i) The application is allowed.

(ii) The applicants are permitted to withdraw the 30% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. The Interim Application is disposed off.

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(SHIVKUMAR DIGE, J.)