

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 15846 OF 2023****IN****FIRST APPEAL (ST) NO.18024 OF 2023**

Sanjana Vijendra Shurpali and Anr.

.... Applicants

Versus

HDFC Ergo General Insurance Co. Ltd.

.... Respondents

.....

Mr. Yogesh Pande, Advocate for Applicant and for Respondents in FA(St.)
No. 18024/2023.

Mr. Abhijit Kulkarni a/w. Mr. Gourav Shahane, Advocate for Respondents.

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CORAM : SHIVKUMAR DIGE, J.**DATE : 30th NOVEMBER, 2023.****P.C. :**

1. By this application, applicants are seeking withdrawal of amount.

2. It is the contention of learned counsel for the applicants that deceased was the daughter of applicants. She was the only earning member of the applicants' family. Applicants have no source of income. They need the amount for their daily expenses. Hence requested to allow the application.

3. Learned counsel for Respondent- Insurance company strongly objected to the application on the ground that policy was obtained after the accident but this fact is not considered by the Tribunal and awarded

compensation which is erroneous. If this Court allows the application of withdrawal then it would be difficult for the insurance company to recover the amount. 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, they need the amount for their daily expenses. The grounds raised by the respondents can be considered at the time of final hearing of the appeal. Considering this fact, I pass following order :

ORDER

(i) The application is allowed.

(ii) Applicants are permitted to withdraw the 50% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. The application is disposed of.

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KILAJE

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(SHIVKUMAR DIGE, J.)