

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 17035 OF 2023****IN****FIRST APPEAL NO. 218 OF 2021**

Akram Sattar Shaikh and Ors.

.... Applicants

Versus

M/s. Bajaj Allianz General Insurance Co. Ltd. and
Ors.

.... Respondents

.....

Mr. Sarthak S. Diwan, Advocate for the Applicants.

Ms. Rina Kundu, Advocate for Respondent Nos. 1 to 3.

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CORAM : SHIVKUMAR DIGE, J.**DATE : 30th NOVEMBER, 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. Learned Counsel for the Respondent - Insurance Company strongly objects to allow the application on the ground that at the time of accident the driver of offending vehicle was not holding an effective and

valid driving licence. But this fact is not considered by the Tribunal and has awarded the compensation which is challenged by Respondents before this Court. 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 50% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. Application is disposed off.

(SHIVKUMAR DIGE, J.)