

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 17655 OF 2023

IN

FIRST APPEAL (ST) NO. 20518 OF 2023

Suman Ramdas Avhad and Ors.

.... Applicants

IN THE MATTER BETWEEN

Divisional Manager. Reliance General Insurance Co.
Ltd. And Anr.

... Appellant

Versus

Suman Ramdas Avhad and Ors.

.... Respondents

Mr. Pritesh K. Bohade, Advocate for the Applicants and for Respondents in
FA(St) No. 20518/2023

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th 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 the 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 Appellant - Insurance Company

strongly objects to allow the application on the ground that driver of truck was not holding effective and valid driving licence at the time of incident and there was head on collision but the Tribunal has not considered contributory negligence of the deceased, 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. 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. The Application is disposed off.

SONALI
SATISH
KILAJE

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by SONALI
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(SHIVKUMAR DIGE, J.)