

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

INTERIM APPLICATION NO. 17679 OF 2023

IN

FIRST APPEAL (ST) NO. 35052 OF 2016

Sarika Anand Kolapkar & Ors.

....Applicants

Versus

National Insurance Co. Ltd.

Through its Mumbai Regional Office-I

....Respondent

Mr. Sudhir S. Hardikar for the Applicants.

Mr. Amol Gatne for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th DECEMBER, 2023.

P.C. :

1. By this application applicants are seeking withdrawal of amount.
2. It is contention of learned counsel for the Applicants that the deceased was the sole earning member of Applicants' family. Applicants have no source of income, they need amount for daily expenses. Hence, requested to allow the Application.
3. It is contention of learned counsel for the Respondent/Insurance Company that at the time of accident driver of offending vehicle was under the influence of liquor. Police has filed charge sheet against him, in that respect, the tribunal has considered monthly income of deceased on higher side. Hence, requested to reject

the Application.

4. I have heard both learned counsel, deceased was the sole earning member of Applicants' family. Applicants have no source of income, they need the amount for their daily expenses. The issue raised by learned counsel for the Respondent/Insurance company can be considered at the time of final hearing of the Appeal. Hence, 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. The statutory amount be transmitted to the tribunal along with accrued interest thereon. The parties are at liberty to withdraw it, as per Rule..

Application is disposed off.

(SHIVKUMAR DIGE, J.)