

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 18105 OF 2023****IN****FIRST APPEAL NO. 401 OF 2022**

Urmiladevi Jawaharlal Yadav and Ors.

... Applicants

IN THE MATTER OF:

Reliance General Insurance Company Ltd.

... Appellant

Versus

Urmiladevi Jawaharlal Yadav and Ors.

... Respondents

.....

Ms. Rina Kundu, Advocate for the Applicants.

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 Tribunal has held that the accident occurred due to

negligence of driver of offending vehicle but there is no evidence on record to show that there was rash and negligence driving of driver by offending vehicle but this fact is 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 25% 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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KILAJE

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(SHIVKUMAR DIGE, J.)