

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 17891 OF 2023****IN****FIRST APPEAL STAMP NO. 20043 OF 2023**

Krishna Samadhan Londhe and Ors.

... Applicants

IN THE MATTER OF

Reliance General Insurance Co. Ltd.

.... Appellant

Versus

Krishna Samadhan Londhe and Ors.

... Respondents

.....

Mr. Jitendra Gor, Advocate for Applicants.

Mr. Akshay Kulkarni, Advocate for Appellant in FA(ST).20043/2023.

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 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. It is the contention of learned counsel for the appellant/Insurance Company that at the time of accident deceased was the driver of offending vehicle and was under the influence of liquor and the Tribunal has

awarded compensation on higher side, 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. The Interim Application is disposed off.

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KILAJE

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(SHIVKUMAR DIGE, J.)