

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

INTERIM APPLICATION NO. 15086 OF 2023
IN
FIRST APPEAL NO. 105 OF 2022

Parubai @ Parvati Ramchandra Shikhare Applicant
(Deceased) Thr. Legal Heirs and Ors.

IN THE MATTER BETWEEN

The New India Insurance Co. Ltd. Appellant

Versus

Parubai @ Parvati Ramchandra Shikhare Respondents
(Deceased) Thr. Legal Heirs and Ors.

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Mr. Jitendra K. Pagare i/b Mr. Sanjeev Deore a/w Ms. Suchita J. Pawar, for the Applicant.
Mr. Rajesh Kanojia i/b Res Juris, for the Appellant/Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th NOVEMBER, 2024.

P.C. :

1. By this application, Applicants are seeking withdrawal of the amount.
2. It is the contention of learned counsel for the Applicants

that Applicant has suffered physical disability in the accident and he is unable to do work. Applicant have no source of income. He need the amount for his daily expenses. Hence, requested to allow the application.

3. Learned counsel for the Appellant/Insurance Company strongly objected to allow the application on the ground that Applicant was gratuitous passenger in the vehicle but this fact is not considered by the Tribunal. Hence, requested to reject the application.

4. I have heard both learned counsel. Perused the judgment and order passed by the Trial Court. The Applicant has suffered physical disability in the said accident. Applicants have no source of income. Applicants need the amount for their daily expenses. The issue raised by learned counsel for Appellant/Insurance Company can be considered at the time of final hearing of the appeal. Considering these facts, I pass the following order:

ORDER

- i. Application is allowed.
- ii. The Applicants are permitted to withdraw 25%
amount along with accrued interest thereon out of

the deposited amount, on furnishing usual
undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)