

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2697 OF 2023
IN
FIRST APPEAL NO.291 OF 2022

Ajit Balwant Apte & 2 ors.		Applicants
In the matter of :		
Bajaj Alliance General Insurance Co. Ltd., Kolhapur	...	Appellant
versus		
Ajit Balwant Apte & Ors.		Respondents

Mr. A. B. Vagyani i/b. Ms. Deepa S. Vagyani, Advocate for the Applicants/
PRespondent Nos.1 to 3.

Mr. Devendranath S. Joshi, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 20th FEBRUARY, 2024.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for the appellant-Insurance Company.
2. Learned counsel for the applicants submitted that the deceased was the sole earning member of the applicants' family. The applicants have no source of income, they need the amount for their 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 there was swapping of driver. Initially an FIR was lodged against the deceased who was driving the vehicle. Thereafter, his name is replaced with name of other person but the Tribunal has not considered this fact. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The deceased was the sole earning member of the applicants' family. The applicants need the amount for their daily expenses. The applicants have no source of income. The grounds raised by the appellant- Insurance Company can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

1. The application is allowed.
2. The applicants are permitted to withdraw 30% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)