

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1732 OF 2024
IN
FIRST APPEAL NO. 901 OF 2023**

Gunvanti Trimbakial Shah and anr.	...	Applicants
In the matter of		
The Oriental Ins. Co. Ltd.	...	Appellant
versus		
Gunvanti Trimbakial Shah and ors.		Respondents

Mr. Deepak S. Kilaje, Advocate for the Applicants.

Mr. Nikhil N. Pawar, Advocate for the Appellant.

Mr. Shriniwas Singh i/b. Ms. Richa Singh, Advocate for Respondent No.4.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st MARCH, 2024.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for appellant-Insurance Company.
2. Learned counsel for the applicants submits 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 appellant - Insurance Company objected to allow the application on the ground that the negligence is not proved

and deceased was defacto owner but this fact is not considered by the Tribunal. Hence, requested to reject 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 :

O R D E R

1. The application is allowed.
2. The applicants are permitted to withdraw 50% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)