

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

**INTERIM APPLICATION NO. 8392 OF 2024
IN
FIRST APPEAL NO. 1124 OF 2022**

Husabai Pandhrinath Bhangare & Anr. ...Applicants

IN THE MATTER BETWEEN

United India Insurance Co. Ltd., Nashik ...Appellant

Versus

Husabai Pandhrinath Bhangare & Anr. ...Respondents

Ms. Ashwini B. Jadhav, Advocate for the Applicant/Respondent Nos.1 & 2.

Mr. Sanjay Ghaisas, Advocate for the Applicant/Respondent No.3.

Mr. Prathamesh P. Mandlik i/b Mr. N. V. Bhutekar, Advocate for the Appellant/Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th MAY, 2024.

P.C. :

1. By this application, Applicants are seeking withdrawal of the amount.

2. Learned counsel for the Applicants submits that deceased was the son of Applicant's. Applicants need the amount for their daily expenses. They have no source of income. Hence, requested to allow

the Application.

3. Learned counsel for the Appellant/Insurance Company submits that at the time of accident, the driver of offending vehicle was not holding effective and valid driving licence but this fact is not considered by the Tribunal. Hence, requested to reject the Application.

4. I have heard both learned counsel.

5. The deceased was the Applicant's son. Applicants need the amount for their daily expenses. Applicants have no source of income. The issue raised by the learned counsel for the Appellant/Insurance Company can be considered at the time of final hearing of the Appeal and, I pass following order:

ORDER

- i. Application is allowed.
 - ii. Applicants are permitted to withdraw 50% amount, out of deposited amount along with accrued interest thereon, on furnishing undertaking.
- . The Interim Application stands disposed of.

(SHIVKUMAR DIGE, J.)