

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 6696 OF 2024****IN****FIRST APPEAL STAMP NO. 9320 OF 2023**

Anil Murlidharrav Girvalkar and Anr.

... Applicants

IN THE MATTER OF :

The New India Insurance Co. Ltd.

... Appellant

Versus

Anil Murlidharrav Girvalkar and Anr.

... Respondents

Mr. Sagar Tambe a/w. Mr. Nishant Mokal, Advocate for the Applicants.
Mr. Rajesh Kanojia i/b. Res Juris, Advocate for Appellant.

CORAM : SHIVKUMAR DIGE, J.**DATE : 22nd MARCH, 2024.****P.C. :**

1. Heard learned counsel for the applicants.
2. By this application, applicants are seeking withdrawal of amount.
3. It is contention of learned counsel for the applicants that deceased was the sole earning member of the applicants' family. The Applicants were dependent on the income of deceased. The applicants are the parents of the deceased. They have no source of income. They need money for daily expenses. Hence, requested to allow the application.

4. Learned counsel for appellant-Insurance Company submitted that the licence of offending vehicle was fake. There was contributory negligence of the deceased in the said accident. Hence, requested to reject the application.

5. I have heard both the learned counsel. The applicants are the parents of the deceased. Deceased was the only earning member of the applicants' family. Applicants have no source of income. They need the amount for their daily expenses. 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 40% amount out of deposited amount along with accrued interest thereon on out of deposited amount on furnishing usual undertaking.
6. The application is disposed of.

(SHIVKUMAR DIGE, J.)