

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.6497 OF 2024
IN
FIRST APPEAL NO.813 OF 2022

Mrs.Sunita Rajendra Chavan Applicant

V/s.

Cholamandalam Ms. Gen. Ins. Co. Ltd., Respondents
Mumbai

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Mr.Ashish P. Agarkar a/w Mr.Suraj Sawardekar, for the
Respondent and for the Applicant.

Mr.Rajesh Kanojia i/b Res Juris, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th MARCH 2024

P.C:-

. Heard learned counsel for the Applicants and learned
counsel for the Respondents.

2. By this Application, the Applicants are seeking
withdrawal of the amount.

3. It is contention of the learned counsel for the
Applicants, the deceased was elder son of the Applicant. Her
husband is admitted in the hospital. She has no funds to treat the

husband, who was Claimant in the Original Claim Petition. As he is admitted in the hospital hence on his behalf she has filed this Application for withdrawal. Hence, requested to allow the Application.

4. In support of the Application, she has filed medical documents on record to prove that her husband-Original Claimant No.1 was admitted in the hospital.

5. The learned counsel for Respondent-Insurance Company strongly objected to allow the Application on the ground that at the time of the accident driver of the offending vehicle was not holding effective and valid driving licenses and he was under the influence of the liquor and the deceased was occupant in the said car, but this fact is not considered by the Tribunal. Hence, requested to dismiss the Application.

6. I have heard both the learned counsel.

7. The husband of the Applicant No.1 was admitted in the hospital, who was Claimant No.1 in the Claim Petition. He needs amount for medical expenses. They have no source of income. The issue raised by the learned counsel for Respondent-

Insurance Company can be considered at the time of the final hearing of the Appeal. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicant's are permitted to withdraw 25% amount out of the remaining amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)