

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 6719 OF 2024****IN****FIRST APPEAL STAMP NO. 34212 OF 2023**

Girija Subramanian Iyer @ Girija Subramanian Mani ... Applicants
and Anr.

IN THE MATTER OF :

Reliance General Insurance Co. Ltd. ... Appellant

Versus

Girija Subramanian Iyer @ Girija Subramanian Mani ... Respondents
and Ors.

Mr. T. J. Mendon, Advocate for the Applicants.

Mr. Avesh Ghadge i/b. Mr. Akshay Kulkarni, Advocate for Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd MARCH, 2024.

P.C. :

1. By this application, applicants are seeking withdrawal of amount.

2. It is the contention of learned counsel for the applicant that deceased was the sole earning member of applicants' family. The applicants were dependent on the income of deceased. They need the amount for daily expenses. Hence, requested to allow the application.

3. Learned counsel for the Appellant-Insurance Company submitted that there was breach of terms and conditions of insurance

policy. The income of the deceased is considered on higher side. Hence requested to reject the application.

4. I have heard both the learned counsel. The deceased was the sole earning member of the applicants' family. The applicants need the amount for their daily expenses. They 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, Considering this fact, I pass following order :

ORDER

- (i) The application is allowed.
- (ii) The applicants are permitted to withdraw the 50% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. The Interim Application is disposed of.

(SHIVKUMAR DIGE, J.)