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

INTERIM APPLICATION NO. 6951 OF 2024
IN
FIRST APPEAL NO. 796 OF 2023

Shital Ajay Salve & Ors.Applicants

Versus

The New India Assurance Co. Ltd. MumbaiAppellant

Shital Ajay Salve & Ors.Respondents

Mr. Yogesh Pande a/w Adv. S. G. Kate, Advocate for the Applicant.

Mr. D. S. Joshi, Advocate for the Appellant.

Mr. Prashant C. Kamble, Advocate for the Respondent Nos.6 & 7.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd APRIL, 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 sole earning members of Applicants' family. Applicants have no source of income, they need the amount for their daily expenses. Hence, requested to allow the Application.

3. Learned counsel for the Appellant/Insurance Company strongly objected to allow the Application on the ground that initially

in the FIR name of one driver was mentioned and, on the supplementary statement name of the other driver is changed in the FIR. There is swapping of driver but, this fact is not considered by the Tribunal. Hence, requested to reject the Application.

4. Learned counsel for Respondent No.3/Owner submits that appropriate order be passed.

5. I have heard all learned counsel.

6. Applicants needs the amount for paying the education fees. They have no source of income. They need the amount for their daily expenses. The issue raised by the Learned counsel for the Appellant/Insurance Company can be considered at the time of final hearing of the appeal.

7. In view of above, I pass following order.

ORDER

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

(SHIVKUMAR DIGE, J.)