

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

INTERIM APPLICATION NO. 7703 OF 2024

IN

FIRST APPEAL NO. 705 OF 2024

Kalpana Bhanudas Pharande & Ors.Applicants

IN THE MATTER BETWEEN

United India Insurance Co. Ltd. MumbaiAppellant

Versus

Kalpana Bhanudas Pharande & Ors.Respondent

Mr. Shailesh Chavan i/b Mr. Milind Deshmukh, Advocate for the
Applicants/Respondents.

Ms. S. S. Dwivedi, 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. It is contention of learned counsel for the Applicants that
deceased was the sole earning member of Applicants' family.
Applicants have no source of income. Applicants need the amount for

their daily expenses. Hence, requested to allow the Application.

3. Learned counsel for the Appellant/Insurance Company vehemently submitted that there was 23 days delay for filing the F.I.R. Accident occurred due to negligence of the deceased but this fact is not considered by the Tribunal. Hence, requested to reject the Application.

4. I have heard both learned counsel.

5. Deceased was the sole earning member of the Applicants' family. Applicants have no source of income. Applicants need the amount for their daily expenses. The issue raised by 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. The Applicants are permitted to withdraw 30% amount as per his share, out of deposited amount along with accrued interest thereon, on furnishing undertaking.
- . The interim application stands disposed of.

(SHIVKUMAR DIGE, J.)