

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 7655 OF 2024
IN
FIRST APPEAL STAMP NO. 2536 OF 2024

Anil Lalji Gajra @ Bhanushali and anr.		Applicants
In the matter of		
Bajaj Allianz General Insurance Company, Thane.	...	Appellant
versus		
Anil Lalji Gajra and ors.		Respondents

Ms. Rina Kundu, Advocate for the Applicants/Respondent Nos.1 and 2.
Mr. Pandit Kasar, Advocate for the Applicant/Appellant.
Ms. Poonam Mital, Advocate for Respondent No.5.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th APRIL, 2024.

P.C. :

1. Heard learned counsel for the applicants, learned counsel for appellant-Insurance Company and learned counsel for respondent No.5.
2. By this application, the applicants are seeking withdrawal of the amount. Learned counsel for the applicants submitted that the deceased was the sole earning member of the applicants' family. The applicants have no source of income, they need the amount for their daily expenses. Hence, requested to allow the application.
3. Learned counsel for appellant - Insurance Company strongly objected to allow the application on the ground that there was hit and run case. The issue of involvement of the offending vehicle was before the

Tribunal but it was not considered, hence, requested to reject the application.

4. I have heard all learned counsel. The deceased was the sole earning member of the applicants' family. The applicants have no source of income, they need the amount for their daily expenses. The issue raised by the appellant-Insurance can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

O R D E R

1. The application is allowed.
2. The applicants are permitted to withdraw 40% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)