

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8565 OF 2024

IN

FIRST APPEAL NO. 932 OF 2018

Vaman Pilaji Jadhav and Anr.

... Applicants

IN THE MATTER OF :

Future Generali India Insurance Co. Ltd.

... Appellant

Versus

Vaman Pilaji Jadhav and Ors.

... Respondents

Mr. Avinash A. Bailmare, Advocate for the Applicants.

Mr. D. R. Mahadik, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th MAY, 2024.

P.C. :

1. By this application, applicant is seeking withdrawal of the amount.
2. Learned counsel for the appellant submits that applicants are the parents of the deceased. The deceased was the sole earning member of applicants' family. Applicants were dependent on the income of deceased. Applicants need the amount for daily expenses. They have no source of income. Hence, requested to allow the application.
3. Learned counsel for appellant-Insurance Company submits that fake driving licence was produced on record, accident occurred due to

sole negligence of the deceased. 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 applicants are the parents of the deceased. Applicants have no source of income. They need the amount for their daily expenses. The grounds raised by the respondents 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 40% amount out of deposited amount along with accrued interest thereon on out of deposited amount on furnishing usual undertaking.

5. The Interim application is disposed of.

(SHIVKUMAR DIGE, J.)

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