

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

**INTERIM APPLICATION NO. 8584 OF 2024
IN
FIRST APPEAL NO. 552 OF 2024**

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Neeta Balkrishna Sawant & Ors.Applicants
IN THE MATTER BETWEEN

HDFC ERGO General Insurance
Co. Ltd. Pune.Appellant

Versus

Neeta Balkrishna Sawant & Ors.Respondents

Mr. Sarthak S. Diwan, Advocate for the Applicants/Respondents.
Mr. Yogesh Pande, 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 submits that at the time of accident, deceased was not holding driving licence 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 Applicant's family. Applicants need the amount for their daily expenses. Applicants have no source of income. 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. Applicants are permitted to withdraw 40% amount out of deposited amount as per their share, along with accrued interest thereon, on furnishing undertaking.
 - iii. Applicant No.2 is 17 year and 6 months old, he is permitted to withdraw amount as per his share after attending majority.
- . The interim application stands disposed of.

(SHIVKUMAR DIGE, J.)