

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION STAMP NO. 12255 OF 2024****IN****FIRST APPEAL STAMP NO. 30243 OF 2023**

Kritofar Thomas Goams and Anr.

... Applicants

IN THE MATTER OF

Reliance General Insurance Co. Ltd.

... Appellant

Versus

Kritofar Thomas Goams and Ors.

... Respondents

Mr. Yogesh Pande, Advocate for Applicants.

Mr. Akshay Kulkanri, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.**DATE : 6th MAY, 2024****P.C. :**

1. By this application, applicants are seeking withdrawal of amount.
2. It is contention of learned counsel for the applicants submits that deceased was the sole earning member of the applicants' family. The applicants were dependent on the income of deceased. They need the amount for daily expenses. Hence, requested to allow the application.
3. It is the contention of learned counsel for the appellant – Insurance Company that accident occurred due to sole negligence of the deceased. Moreover, the Tribunal has considered monthly income of the

deceased on the higher side which is erroneous. Hence, requested to reject the application.

4. I have heard both the learned counsel. The deceased was the sole earning member of the applicants' family. Applicants need the amount for their daily expenses. Applicants have no source of income. 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 the 50% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. Interim application is disposed off.

(SHIVKUMAR DIGE, J.)