

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

INTERIM APPLICATION NO. 8488 OF 2024

IN

FIRST APPEAL NO. 376 OF 2017

Uttam Anna Bankar & Anr.

....Applicants

The New India Assurance Co. Ltd. Satara

....Appellant

IN THE MATTER BETWEEN

Versus

Uttam Anna Bankar & Ors.

....Respondent

Ms. Suvarna Yadav, Advocate for the Applicants/Respondents.

Mr. S. M. Dange, 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 accident occurred due to sole negligence of the deceased. Learned counsel further submitted that income of the deceased is considered on higher side without any evidence on record. Hence, requested to reject the Application.

4. I have heard both learned counsel.

5. Deceased was the sole earning member of Applicants' 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 Rs.50,000/ each, out of deposited amount along with accrued interest thereon, on furnishing undertaking.
- . The interim application stands disposed of.

(SHIVKUMAR DIGE, J.)