

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 8264 OF 2024****IN****FIRST APPEAL NO. 379 OF 2022**

Narayan Ganu Alam and Anr.

... Applicants

IN THE MATTER OF :

Iffco Tokio General Insurance Company

... Appellant

Versus

Narayan Ganu Alam and Ors.

... Respondents

Ms. Rina Kundu, Advocate for the Applicants.

Mr. Sarthak S. Diwan, Advocate for Appellants.

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

1. By this application, applicants are seeking withdrawal of amount.
2. It is the contention of learned counsel for the applicants that deceased was the sole earning member of applicants' family. Applicants were dependent on the income of deceased. Applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the application.
3. It is contention of learned counsel for appellant-Insurance Company that at the time of accident driver of offending vehicle was not holding effective and valid driving licence but this facts is not considered by the Tribunal. 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 appellant- Insurance Company can be considered at the time of final hearing of the appeal. 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. The Interim application is disposed off.

(SHIVKUMAR DIGE, J.)

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