

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

**INTERIM APPLICATION NO. 8589 OF 2024
IN
FIRST APPEAL (ST) NO. 22370 OF 2018**

Devaki @ Surekha Dipak Sawant & Ors.Applicants

IN THE MATTER BETWEEN

Reliance General Insurance Co. Ltd.

Thr. Its Corporate Office & Anr.Appellant

Versus

Devaki @ Surekha Dipak Sawant & Ors.Respondents

Mr. P. K. Bohade, Advocate for the Applicants.

Mr. Nikhil Mehta i/b KMC Legal Venture, 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 but this fact is not considered by the Tribunal. Learned counsel further submitted at the time of accident deceased was not holding effective and valid driving licence to drive a gas tanker which was carrying hazardous goods 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 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 30% amount out of deposited amount along with accrued interest thereon, on furnishing undertaking.
- . The interim application stands disposed of.

(SHIVKUMAR DIGE, J.)