

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

CIVIL APPLICATION NO. 3120 OF 2019

IN

FIRST APPEAL NO. 276 OF 2020

Smt. Asha Sayajirao Jadhav & Ors.

....Applicants

Versus

Manager, Bajaj Allianz General
Insurance Co. Ltd. & Anr.

....Respondents

Ms. Yogita Deshmukh, Advocate for the Applicants.

Mr. Puneet Fomio h/f Mr. Sameer Kadam, Advocate for the
Respondent Nos. 1 to 4.

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th JANUARY, 2024.

P.C. :

1. It is contention of learned counsel for the Applicants, deceased was the sole earning member of Applicants' family. Applicants have no source of income. They need the amount for daily expenses. Hence, requested to allow the Application.

2. Learned counsel for the Respondent No.1/Insurance

Company strongly objected to allow the Application on the ground that, it was hit and run case and after some days the offending vehicle involved in this accident, which is disputed by the Appellant No.1. Hence, requested to reject the Application.

3. I have heard both learned counsel. Deceased was the sole earning member of Applicants' family. Applicants have no source of income. They need the amount for daily expenses. The issue raised by the learned counsel for the Respondent No.1 can be considered at the time of final hearing of the Appeal hence, I pass following the order.

ORDER

- i. Application is allowed.
 - ii. Applicants are permitted to withdraw 50% amount out of deposited amount along with accrued interest thereon, on furnishing undertaking.
- Application is disposed off.

(SHIVKUMAR DIGE, J.)