

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 17872 OF 2023
IN
FIRST APPEAL NO. 1231 OF 2023**

Shilpa Bharat Itadkar and Ors. ... Applicants/
Claimants

In the matter of

SBI General Insurance Co. Ltd. ... Appellant

Versus

Shilpa Bharat Itadkar and Ors. ... Respondents

Ms. Priyanka Dable, Advocate for the Applicants/original claimants.
Mr. Rajesh Kanojia along with Ms. Deepika Prabhula i/b. Res Juris,
Advocates for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 9th JANUARY, 2024.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for appellant-Insurance Company.

2. Learned counsel for the applicants submitted that the deceased was the sole earning member of the applicants' family. The applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the application.

3. Learned counsel for appellant- Insurance Company submitted that the offending vehicle was not involved in the accident, in spite of that, it is shown as offending vehicle. The eye-witness, who was examined.

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has stated that he had seen a truck, whereas the offending vehicle is a tempo but these facts are not considered by the Tribunal. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The deceased was the sole earning member of the applicants' family. The applicants have no source of income, they need the amount for their daily expenses. The grounds raised by learned counsel for the appellant-insurance company can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

O R D E R

1. The application is allowed.
2. The applicants are permitted to withdraw the 30% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed off.

(SHIVKUMAR DIGE, J.)