

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1746 OF 2024

IN

FIRST APPEAL STAMP NO. 23985 OF 2022

Bharat Bhau Gunjal and Ors.

... Applicants

IN THE MATTER OF :

Branch Manager,
United India Insurance Co. Ltd.

... Appellant

Versus

Bharat Bhau Gunjal and Ors.

... Respondents

Mr. Sanjay Ghaisas, Advocate for the Applicants.

Mr. Prathamesh Mandlik i/b. N. V. Bhutekar, Advocate for Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th MAY, 2024.

P. C. :

1. By this application, applicant is seeking withdrawal of amount.
2. It is contention of learned counsel for the applicant that applicants are the parents of the deceased. He further submits 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 that at the time of accident driver of offending vehicle was not holding effective and valid

driving licence but the Tribunal has not considered this fact, hence requested to reject the application.

4. I have heard both the learned counsel. Applicants are the parents of the deceased. They need the amount for daily expenses. They have no source of income. The issue raised by the appellant- Insurance Company can be considered at the time of final hearing of the appeal. Hence, 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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