

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

**INTERIM APPLICATION NO. 500 OF 2024
IN
FIRST APPEAL NO. 20 OF 2020**

Smt. Varsha Gaurav Upasani & Anr.Applicant

IN THE MATTER BETWEEN

The United India Insurance Co. Ltd.Appellant

Versus

Prabhakar Yashwant Upasani & Ors.Respondents

Mr. Vijay V. Chandavale, Advocate for the Applicants.

Mr. Ketan Joshi, Advocate for the Appellant in FA.

Mr. Yogesh Pande, Advocate for the Respondent Nos.1 & 2.

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 Applicant 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 separate two claim petitions filed the Applicant. Applicant was not maintainable. Accident occurred due to sole negligence of the deceased 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 the Applicants' family. Applicants have no source of income. Applicants need the amount for their daily expenses. 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. The Applicant is withdraw 50% amount as per their share, out of deposited amount along with accrued thereon, on furnishing undertaking.
- . The interim application stands disposed of.

(SHIVKUMAR DIGE, J.)