

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3521 OF 2024

IN

FIRST APPEAL NO. 1080 OF 2023

Noorjahan Hajimalang Shaikh and Ors.

... Applicants

Versus

Divisional Officer, Bajaj Allianz General Insurance
Company Ltd. and Anr.

... Respondents

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Mr. Rajan S. Pawar, Advocate for Applicants.

Mr. Sarthak S. Diwan, Advocate for Respondent No.1. -Insurance
Company.

CORAM : SHIVKUMAR DIGE, J.

DATED : 19th DECEMBER, 2024.

P.C. :

1. By this application, applicants are seeking withdrawal of
amount.

2. It is contention of learned counsel for the applicants that
deceased was the sole earning member of the applicants' family.
Applicants have no source of income, they need the amount for daily
expenses. Hence, requested to allow the application.

3. Learned counsel for appellant No.1-Insurance company strongly
objected to allow the application on the ground that accident occurred due
to sole negligence of the deceased and compensation is awarded on higher
side. Hence, requested to reject the application.

4. I have heard both the learned Counsel. The deceased was the sole earning member of the applicants' family. Applicants need the amount for their daily expenses. Applicants have no source of income. The grounds 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 40% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.
5. The Interim Application is disposed off.

(SHIVKUMAR DIGE, J.)