

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.6732 OF 2024
IN
FIRST APPEAL STAMP NO.29988 OF 2023

Manisha Dhananjay Shitole and ors.		Applicants
In the matter of.		
Cholamandalam General Insurance Co. Ltd. through the Divisional Manager, Pune	...	Appellant
versus		
Manisha Dhananjay Shitole and ors.		Respondents

Mr. Mahindra Deshmukh, Advocate for the Applicants/Respondent Nos.1 to 3.

Mr. Rajesh Kanojia i/b. Res Juris, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th MARCH, 2024.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for appellant-Insurance Company.
2. By this application, the applicants are seeking withdrawal of the amount. Learned counsel for the applicants submitted that the deceased had obtained loan from the bank but due to death of the deceased, the applicants could not repay the loan amount and now the bank has filed recovery proceedings against the applicants. The applicants need the amount for repayment of loan, hence, requested to allow the application.

3. Learned counsel for appellant - Insurance Company submitted that the Tribunal has awarded compensation amount on higher side without any evidence on record and the said fact is challenged before this Court. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The deceased had obtained loan from the bank and the bank has initiated recovery proceedings against the applicants. The grounds raised by 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 50% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)