

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

**INTERIM APPLICATION NO. 8568 OF 2024
IN
FIRST APPEAL NO. 267 OF 2024**

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Ritali Hemant Sajane & Ors.Applicant

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd.
Thr. Mumbai Legal Hub.Appellant

Versus

Ritali Hemant Sajane & Ors.Respondents

Mr. Akshay Kulkarni, Advocate for the Applicant/Respondent Nos.1 to 4.

Mr. D. S. Joshi, Advocate for the Appellant/Insurance Company.

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 Applicants 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 accident occurred due to sole negligence of the deceased. Learned counsel further submitted that income of the deceased is considered on higher side 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 Applicants' family. Applicants need the amount for their daily expenses. Applicants have no source of income. 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. Applicants are permitted to withdraw 30% amount out of deposited amount along with accrued interest thereon, on furnishing undertaking.
- . The interim application stands disposed of.

(SHIVKUMAR DIGE, J.)