

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 9930 OF 2024****IN****FIRST APPEAL NO. 973 OF 2024**

Shekhar Dagdu Kothawade

... Applicant

Versus

Union of India

... Respondent

.....

Mr. Pritesh K. Bohade, Advocate for the Applicant.

Mr. Mainak Adhikary i/b. Ms. Anamika Malhotra, Advocate for Respondent.

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CORAM : SHIVKUMAR DIGE, J.**DATED : 19th NOVEMBER, 2024.****P.C. :**

1. By this application, applicant is seeking withdrawal of amount.
2. Learned counsel for the applicant submits that deceased was the wife of the applicant. Applicant needs the amount for daily expenses. Hence requested to allow the application.
3. Learned counsel for the respondent- Insurance Company strongly objected to allow the application on the ground that accident occurred due to towing vehicle. There was contributory negligence of the deceased in the said accident but this fact is not considered by the Tribunal. Hence, requested to reject the application.
4. I have heard both the learned counsel. The deceased was the wife of the applicant. Applicant needs the amount for daily expenses. The

issue raised by the respondent 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 applicant is permitted to withdraw 50% amount out of deposited amount along with accrued interest thereon on out of deposited amount on furnishing usual undertaking.
5. Interim application is disposed of.

(SHIVKUMAR DIGE, J.)