

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
INTERIM APPLICATION NO. 11262 OF 2024
IN
FIRST APPEAL NO. 1571 OF 2024

Vandana Dinkar Patil and Anr. Applicants

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd. Appellant

Versus

Vandana Dinkar Patil and Anr. Respondents

Digitally
signed by
SHANTANU
SHANKARSA
DHUDUM
Date:
2024.11.18
15:57:24
+0530

Mr. Mr. Sarvesh Deshpande a/w Mr. Bharat Gadhavi, for the Applicant.
Mr. Mohit Turakhia i/b A. S. Vidyarthi, for the Appellant.
Mr. Mr. Y. D. Patil i/b Amey Sawant, for Respondent No.3.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th NOVEMBER, 2024.

P.C. :

INTERIM APPLICATION NO. 11262 OF 2024

1. By this application, Applicant is seeking withdrawal of the amount.
2. It is contention of learned counsel for the Applicant that deceased was the Karta of his family, due to death of deceased the Applicants are facing financial difficulty. It may take time to dispose

of the appeal. The trial Court has awarded the compensation hence, requested to allow the application.

3. It is contention of learned counsel for the Respondent/Insurance Company submits that at the time of accident driver of offending vehicle was not holding valid driving licence and the compensation is awarded on higher side without any reasonable ground. Hence, requested to reject the application.

4. I have heard both learned counsel. Deceased was the Karta of his family. Applicants needs the amount for their daily expenses. The issue raised by the learned counsel for the Respondent can be considered at the time of final hearing of the appeal.

5. In view of above, I pass following order.

ORDER

- i. Application is allowed.
- ii. Applicants are permitted to withdraw 50 % amount along with accrued interest thereon out of deposited amount, on furnishing usual undertaking.

FIRST APPEAL NO. 1571 OF 2024

1. Stand over to 3rd December, 2024.

(SHIVKUMAR DIGE, J.)