

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
INTERIM APPLICATION NO. 11418 OF 2024
IN
FIRST APPEAL NO.1992 OF 2024

Deepika Deepak Patil & Ors. Applicants

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd. Appellant

Versus

Deepika Deepak Patil & Ors. Respondents

Mr. H. S. Gupta i/b Mr. S. R. Gupta, for Applicants Nos.1 & 4 to 7.

Mr. D. R. Mahadik, for the Appellant/Insurance Company.

Ms. Yogita Deshmukh i/b Mr. Sanjay Krishnan, for Respondent No.9/United India Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th DECEMBER, 2024.

P.C. :

1. By this application, Applicants are seeking withdrawal of the amount.

2. Learned counsel for the Applicants submits that deceased was the sole earning member of Applicants' family. They have no source of income. They need the amount for their daily expenses. Hence, requested to allow the application.

3. It is contention of learned counsel for Appellant/Insurance Company that the cheque issued for the premium payment to the insurance company was dishonoured. The offending vehicle was insured with Respondent No.9/Insurance company, but this fact is not considered by the Tribunal. Hence, requested to reject the application.

4. I have heard both learned counsel.

5. The deceased was the sole earning member of Applicants' family. They have no source of income. They need the amount for their daily expenses. The issue raised by learned counsel for Appellant/Insurance company can be considered at the time of final hearing of the appeal. Hence, I pass following order:

ORDER

- i. Application is allowed.
- ii. The Applicants are permitted to withdraw 25% amount out of deposited amount along with accrued interest thereon, furnishing usual undertaking.

Application stands disposed of.

(SHIVKUMAR DIGE, J.)