

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

INTERIM APPLICATION NO. 13351 OF 2024

IN
FIRST APPEAL (ST) NO. 10723 OF 2024

Manisha Subhash Kotwal and Ors. Applicants

IN THE MATTER BETWEEN

Bajaj Allianz General Insurance Co. Ltd. Pune
.... Appellant

Versus

Manisha Subhash Kotwal and Ors. Respondents

WITH
INTERIM APPLICATION NO. 7628 OF 2024
WITH
INTERIM APPLICATION NO. 7629 OF 2024
IN
FIRST APPEAL (ST) NO. 10723 OF 2024

Bajaj Allianz General Insurance Co. Ltd. Pune Applicant

Versus

Manisha Subhash Kotwal and Ors. Respondents

Adv. G. H. Keluskar, for the Applicants in IA/13351/2024 and Respondent Nos.1 to 6 in FAST/10723/2024.

Ms. Snehal Jadhav, for Respondent and Applicant in IA/7628/2024 & IA/7629/2024.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th NOVEMBER, 2024.

P.C. :

INTERIM APPLICATION NO. 13351 OF 2024

1. By this application, Applicants are seeking withdrawal of the amount.
2. Learned counsel for the Applicants submits that the deceased was the sole earning member of Applicants' family. Applicants have no source of income. They need the amount for their daily expenses. Hence, requested to allow the application.
3. Learned counsel for the Appellant/Insurance Company submits that at the time of accident, the offending vehicle was not having valid permit, but this fact is not considered by the Tribunal. Hence, requested to reject the application.
4. I have heard both learned counsel. The deceased was the sole earning member of Applicants' family. They need the amount for their daily expenses. The issue raised by the learned counsel for the Appellant/Insurance Company can be considered at the time of final

hearing. Hence, I pass following order:

ORDER

- i. Application is allowed.
 - ii. The Applicants are permitted to withdraw 50% amount out of deposited amount along with accrued interest thereon, on furnishing undertaking.
5. The interim application stands disposed of.

INTERIM APPLICATION NO. 7628 OF 2024

1. Heard learned counsel for the Applicant.
2. This application for condonation of delay. The office remark shows that there is no delay for filing the appeal hence, application does not survive.
3. In view of above, the application stands disposed of.

INTERIM APPLICATION NO. 7629 OF 2024

1. Heard learned counsel for the Applicant.
2. Learned counsel for the Applicant submits that Applicant has deposited entire award amount along with accrued interest thereon.
3. Considering the submissions of the learned counsel for the

Applicant and reasons mentioned in the application, the impugned order is stayed till final disposal of the appeal. Application is disposed of.

(SHIVKUMAR DIGE, J.)