

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 13996 OF 2024****IN****FIRST APPEAL STAMP NO. 12785 OF 2024**

Vaishali Vishwanath Patil and Ors.

... Applicants

Versus

Reliance General Insurance Co. Ltd.

... Respondent

.....

Mr. Sanjay Ghaisas, Advocate for Applicants.

Mr. Avesh A. Ghadge i/b. Mr. Akshay A. Kulkarni, Advocate for the Respondent.

**CORAM : SHIVKUMAR DIGE, J.****DATED : 26<sup>th</sup> NOVEMBER, 2024.****P.C. :**

1. By this application, applicants are seeking withdrawal of amount.

2. It is contention of learned counsel for the applicants that deceased was the sole earning member of the applicants' family. Applicants were dependent on the income of deceased. Applicants have no source of income, they need 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 deceased died due to his own negligence as he jumped out of bus 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 sole earning member of the applicants' family. Applicants need the amount for their daily expenses. Applicants have no source of income. The grounds raised by the respondents 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 applicants are permitted to withdraw the 50% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.
5. The application is disposed off.

( SHIVKUMAR DIGE, J.)