

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 14483 OF 2024

IN

FIRST APPEAL NO. 22 OF 2024

Kondiba Bhagoji Kusture and Anr.

... Applicants

Versus

The Liberty General Insurance Limited

... Respondent

.....

Mr. Bhushan Walimbe a/w. Mr. Mayank Tripathi, Advocates for the Applicants.

Mr. Abhishek R. Avachat, Advocate for Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 12th NOVEMBER, 2024.

P.C. :

1. Heard learned counsel for the applicants.
2. By this application, applicants are seeking withdrawal of the amount.
3. Learned counsel for the applicants submits that deceased was daughter-in-law of the applicants. Applicants are old aged persons. They have no source of income. They need the amount for daily expenses. Hence requested to allow the application.
4. Learned counsel for the respondent strongly objected to allow the application on the ground that applicants are not dependents on the deceased as she was daughter-in-law of the applicants. Husband of the

deceased is alive, so applicants cannot be considered as an dependents on deceased. Learned counsel further submitted that learned Tribunal has passed judgment without considering the evidence on record. Hence requested to reject the application.

5. I have heard both the learned counsel.

6. The applicants had filed claim petition before the Tribunal. Considering the evidence on record, the Tribunal has allowed the petition which is challenged by the respondent – Insurance Company before this Court. While passing the order the learned Tribunal has considered the applicants as dependents on the deceased. Considering these facts, I pass following order:

ORDER

- i. The application is allowed.
- ii. Applicants are permitted to withdraw 40% amount out of the deposited amount along with accrued interest thereon, subject to filing usual undertaking.

7. Interim Application is disposed off.

(SHIVKUMAR DIGE, J.)

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