

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 14488 OF 2024****IN****FIRST APPEAL NO. 1305 OF 2024**

Shivaji Ramchandra Padyal and Ors.

... Applicants

IN THE MATTER BETWEEN

Shriram General Insurance Co. Ltd.

... Appellant

Versus

Shivaji Ramchandra Padyal and Ors.

... Respondents

.....

Mr. Sumit Kothari, Advocate for the Applicants.

Smt. Shalini Shankar, Advocate for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.**DATED : 12th NOVEMBER, 2024.****P.C. :**

1. By this application, applicants are seeking withdrawal of the amount.
2. It is contention of learned counsel for the applicants that deceased was the sole earning member of the applicants' family. After the death of the deceased they have no income, hence requested to allow the application.
3. It is the contention of learned counsel for the respondent No.1 – Insurance Company that the driving licence of the driver of offending vehicle was not valid at the time of accident. It was expired 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. There are six applicants. They have no source of income. The issue raised by the learned counsel for respondent No.1 can be considered at the time of final hearing of appeal and I pass following order:

ORDER

- i. The application is allowed.
 - ii. Applicants are permitted to withdraw 50% amount out of the deposited amount along with accrued interest thereon, subject to filing usual undertaking.
5. Interim Application is disposed off.

(SHIVKUMAR DIGE, J.)

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