

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

**INTERIM APPLICATION NO.14515 OF 2024
IN
FIRST APPEAL (ST) NO.18851 OF 2024**

Pooja Sonu Bankar & Ors. Applicants

V/s.

Suresh Bhanudas Varade & Anr. Respondents

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**WITH
INTERIM APPLICATION NO.10311 OF 2024
WITH
INTERIM APPLICATION NO.10312 OF 2024
IN
FIRST APPEAL (ST) NO.18851 OF 2024**

Divisional Officer, Bajaj Allianz General Insurance Co. Ltd., Nashik Applicant

V/s.

Pooja Sonu Bankar & Ors. Respondents

Mr.Yogesh Pande, for the Applicant in IA No.14515 of 2024.
Ms.Snehal Jadhav i/b Mr.Sarthak Diwan, for Respondent No.2
and for the Applicant in IA No.10311 of 2024 and IA No.10312
of 2024.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th NOVEMBER 2024

P.C:-

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. Heard learned counsel for the Applicants.

2. By this Application, the Applicant is seeking withdrawal of the amount.

3. The learned counsel for the Applicants submit that, the deceased was sole earning member of Applicant's family. The Applicants needs the amount for education purpose of Applicant Nos.2 and 3. They have no source of income. Hence, requested to allow the Application.

4. The learned counsel for the Respondent has objected to allow the Application on the ground that, the Tribunal has considered income on higher side and compensation awarded on that basis. Hence, requested to dismiss the Application.

5. I have heard both learned counsel.

6. The deceased was only earning member of the family, the Applicant's needs the amount for education purpose of Applicant Nos.2 and 3. They have no source of income. The issue raised by the Respondent can be considered at the time of the final hearing. Hence, I pass following order.

ORDER

(i) The Application is allowed.

(ii) The Applicants are permitted to withdraw 50% amount along with accrued interest thereon on furnishing undertaking.

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7. Heard learned counsel for the Applicant and the learned counsel for the Respondents.

8. Considering the submission of both learned counsel and the reasons mentioned in the Application, the delay of 89 days for filing the Appeal is condoned. The Application is allowed and disposed of.

9. The Appeal be registered.

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10. The learned counsel for the Applicant submit that the Applicant has deposited entire award amount along with accrued interest thereon, hence, requested to stay the impugned order.

11. Considering the submissions of the learned counsel as well as reasons mentioned in the Application, the impugned order is stayed till final disposal of the Appeal.

12. The Interim Application is disposed of.

(SHIVKUMAR DIGE, J.)