

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

FIRST APPEAL NO.1034 OF 2023

The Oriental Insurance Co. Ltd., Pune Appellant
V/s.

Vandana Raju Kokane & Ors. Respondents

**WITH
INTERIM APPLICATION NO.14621 OF 2024
IN
FIRST APPEAL NO.1034 OF 2023**

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Khema Bhikaji Kokane & Anr. Applicants
V/s.

The Oriental Insurance Co. Ltd., Pune Respondent

Ms.Kalpana Trivedi a/w Ms.Yashika Jain, for the Appellant in FA.
Mr.Yuvraj Narvankar, for Respondent Nos.1 to 4.
Mr.Swapnil R. Vighne a/w Mr.Shailesh Chavan i/b Mr.Milind
Deshmukh, for Respondent Nos.6 and 7 in FA and for the
Applicant in IA No.14621 of 2024.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th NOVEMBER 2024

P.C:-

INTERIM APPLICATION NO.14621 OF 2024

. 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 Applicant's are the parents of the deceased. They are old age. The Applicant's needs the amount for their daily expenses. 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, there was involvement of the two vehicles in the accident. The trolley was involved in the accident was insured with the insurance company and the Tractor was not insured. But these facts are not considered by the Tribunal. Hence, requested to dismiss the Application.

5. I have heard both the learned counsel.

6. The Applicants' are senior citizens and parents of the deceased. They have suffering from ailment. 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.

(SHIVKUMAR DIGE, J.)