

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.685 OF 2024
WITH
INTERIM APPLICATION NO.8346 OF 2024

Reliance General Insurance Co. Ltd., Pune Appellant

V/s.

Kum.Sujata Vishwanath Pawar (Since Respondents
Decd.) Thr. Lrs. 1) Shri.Santosh Balasaheb
Pawar & Ors.

WITH
INTERIM APPLICATION NO.14627 OF 2024
IN
FIRST APPEAL NO.685 OF 2024

Shri.Santosh Balasaheb Pawar & Ors. Applicants

V/s.

Reliance General Insurance Co. Ltd., Pune Respondents

Mr.Avesh Gawade i/b Mr.Akshay Kulkarni, for the Appellant.
Mr.Shubham Sane i/b Mr.Priyal G. Sardar, for Respondent Nos.1
and 2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th NOVEMBER 2024

P.C:-

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. Heard learned counsel for the Applicant and learned
counsel for Respondent Nos.1 and 2.

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

3. It is contention of the learned counsel for the Applicants that, due to accidental injuries the Claimants has suffered permanent physical disability. He is unable to do any work. He died during the pendency of the Claim Petition. The Applicant's have no source of income. They needs amount for daily expenses. Hence, requested to allow the Application.

4. The learned counsel for the Respondent-Insurance Company has objected to allow the Application on the ground that accident has occurred due to contributory negligence of the Claimant. But this fact is not considered by the Tribunal. The learned counsel further submitted that, income of the Claimant was considered on higher side. Hence, requested to dismiss the Application.

5. I have heard both the learned counsel.

6. The Claimant was injured in the accident. He got disability due to said accident. During pendency of the Claim Petition Claimant died and the Applicant's are the legal heirs of

the deceased Claimant. They have no source of income. They needs amount for daily expenses. 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. 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.
- 8. 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.
- 9. The Interim Application is disposed of.

(SHIVKUMAR DIGE, J.)