

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 14724 OF 2024

IN

FIRST APPEAL STAMP NO. 4700 OF 2024

Suresh Gangaram Gurav and Anr.

... Applicants

Versus

Bajaj Allianz General Insurance Company Ltd. and
Anr.

... Respondents

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Smt. Varsha Chavan, Advocate for the Applicants.Ms. Snehal Jadhav i/b. Mr. Sarthak S. Diwan, Advocate for the
Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATED : 19th NOVEMBER, 2024.

P.C. :

1. Heard learned counsel for the applicants.
2. By this application, applicants are seeking withdrawal of amount.
3. It is contention of learned counsel for the applicants that deceased was the sole earning member of the applicants' family. The Applicants were dependent on the income of deceased. The applicants are the parents of the deceased. They have no source of income. They need money for daily expenses. Hence, requested to allow the application.
4. It is contention of learned counsel for Insurance Company that

accident occurred due to negligence of the deceased as he fell from motorcycle while riding it. The offending truck was behind the motorcycle, after falling from the motorcycle the truck ran over the deceased as the truck did not get time to stop the truck but this fact is not considered by the Tribunal. Hence requested to reject the application.

5. I have heard both the learned counsel. The applicants are the parents of the deceased. The deceased was the only earning member of the applicants' family. Applicants have no source of income. They need the amount for their daily expenses. The grounds raised by the respondents can be considered at the time of final hearing of the appeal. Hence, Considering this fact, I pass following order :

ORDER

- (i) The application is allowed.
 - (ii) The applicants are permitted to withdraw 40% amount out of deposited amount along with accrued interest thereon on out of deposited amount on furnishing usual undertaking.
6. Interim application is disposed of.

(SHIVKUMAR DIGE, J.)