

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

INTERIM APPLICATION NO. 14732 of 2024

IN

FIRST APPEAL NO. 1210 of 2024

Shriram Dinkarrao Deshmukh and ors. Applicants

In the matter of

The Divisional Officers, Oriental Insurance Co.Ltd. ... Appellant
Nashik

versus

Shriram Dinkarrao Deshmukh and ors. Respondents

Mr. Rajan S. Pawar, Advocate for Applicants/Respondent Nos.1 to 3.

Mr. Rajesh Kanojia i/b.Res Juris, Advocates for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th NOVEMBER, 2024.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for appellant-Insurance Company.

2. By this application, the applicants are seeking withdrawal of the amount. Learned counsel for the applicants submits that the deceased was the sole earning member of the applicants' family. The applicants have no source of income, they need the amount for their daily expenses. Hence, requested to allow the application.

3. Learned counsel for appellant - Insurance Company strongly objected to allow the application on the ground that deceased was 10th pass. It is the case of the applicants that the deceased was a fashion

designer without doing any diploma in fashion designing. They were residing in small room. Without considering this fact, the learned Tribunal has awarded amount of Rs.54,00,000/- which is on much higher side. Learned counsel for the appellant further submitted that the Tribunal has considered the Income Tax Return of only one year. The said impugned order has been challenged by the appellant. Hence, requested to reject the application.

4. I have heard both learned counsel. The deceased was the sole earning member of the applicants' family. The applicants have no source of income, they need the amount for their daily expenses. The grounds raised by the appellant-Insurance can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

1. The application is allowed.
2. The applicants are permitted to withdraw 30% amount along with accrued interest therein, out of the deposited amount on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)