

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 14750 OF 2024

IN

FIRST APPEAL NO. 1211 OF 2024

Manisha Vishwanath Vibhute and Ors.

... Applicants

Versus

Reliance General Insurance Co. Ltd. & Anr.

... Respondents

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Smt. Rina Kundu, Advocate for the Applicants.

Mr. Avesh A. Ghadge i/b. Akshay Kulkarni, Advocate for the Respondents -
Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATED : 19th NOVEMBER, 2024.

P.C. :

1. By this application, applicants are seeking withdrawal of amount.

2. It is contention of learned counsel for the applicants submits that deceased was the sole earning member of the applicants' family. The applicants were dependent on the income of deceased. They need the amount for daily expenses. Hence, requested to allow the application.

3. It is the contention of learned counsel for the respondent - Insurance Company that accident occurred due to contributory negligence of the deceased but this fact is not considered by the Tribunal. Moreover, the Tribunal has considered monthly income of the deceased on the higher

side which is erroneous. Hence, requested to reject the application.

4. I have heard both the learned counsel. The deceased was the sole earning member of the applicants' family. Applicants need the amount for their daily expenses. Applicants have no source of income. 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 :

O R D E R

- (i) The application is allowed.
- (ii) The applicants are permitted to withdraw the 50% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. Interim application is disposed off.

(SHIVKUMAR DIGE, J.)