

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE SIDE JURISDICTION**  
**INTERIM APPLICATION NO.15991 OF 2024**  
**IN**  
**FIRST APPEAL (ST.) NO.31232 OF 2023**

Sunita Vasudeva Karkare and Ors. .... Applicant

**IN THE MATTER BETWEEN**

Cholamandalam M S General Insurance Co. .... Appellant  
Ltd., Mumbai

**Versus**

Sunita Vasudeva Karkare and Ors. .... Respondents

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Mr. T. J. Mendon, for Applicant Nos.1 to 3.  
Ms. Deepika Prabhula i/b Res Juris, for the Appellant/Insurance  
Company.

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**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 18<sup>th</sup> DECEMBER, 2024.**

**P.C. :**

1. By this application, Applicants are seeking withdrawal of the amount.
2. It is contention of learned counsel for the Applicants that deceased was the sole earning member of Applicants' family. They have no source of income. They need the amount for daily expenses. Hence, requested to allow the application.

3. It is contention of learned counsel for the Appellant/Insurance Company strongly objected to allow on the ground that, the Tribunal has considered monthly income of the deceased is considered on higher side on that basis the compensation is awarded, which is erroneous. Hence, requested to rejected the application.

4. I have heard both learned counsel.

5. The deceased was the sole earning member of Applicants' family. They have no source of income. They need the amount for their daily expenses. The issue raised by the learned counsel for the Appellant/Insurance Company can be considered at the time of final hearing of the appeal.

6. In view of above, I pass following order:

**ORDER**

i. Application is allowed.

ii. The Applicants are permitted to withdraw the 50% amount along with accrued interest thereon, by furnishing usual undertaking.

The application stands disposed of.

( SHIVKUMAR DIGE, J.)