

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1372 of 2024
in
FIRST APPEAL NO. 360 of 2023**

Sunita Kumar Patil and ors.

... Applicants/
Org.Claimants

In the matter of

The New India Assurance Company Limited

... Appellant

versus

Sunita Kumar Patil and ors.

.... Respondents

Mr. Bhushan Walimbe, Advocate for the Applicants/Original Claimants.

Mr. Himanshu Takke i/b. Mr. M. V. More, Advocate for the Appellant.

Mr. Avesh Ghadge i/b. Mr. Akshay Kulkarni, Advocate for Respondent
Nos.5 and 6.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th JANUARY, 2025.

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.

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3. Learned counsel for the appellant - Insurance Company strongly objected to allow the application on the ground that the policy was act only policy and the deceased was a pillion-rider on the motorcycle, hence, he is not entitled for getting compensation from the Insurance Company but this fact is not considered by the Tribunal. 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 :

O R D E R

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.)