

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3647 OF 2025

IN

FIRST APPEAL (ST) NO. 10710 OF 2024

Apeksha Amit Kadam And Ors.

... Applicants

In the matter of

The New India Assurance Co. Ltd.

... Appellant

Versus

Apeksha Amit Kadam And Ors.

... Respondents

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Mr. Yuvraj Narvankar, Advocate for Applicants.

Mr. Sandeep Jinsiwale, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATED : 19th JUNE, 2025.

P. C. :

1. By this application, applicants are seeking withdrawal of amount.
2. It is the contention of learned counsel for the applicants that deceased was a sole earning member of applicants' family. Applicants have dependent on the income of deceased. Applicants need the amount for daily expenses and they have no source of income. Hence, requested to allow the application.
3. Learned counsel for the appellant - Insurance company strongly objected to allow the application on the ground that deceased boarded on offending truck and he died in the accident so he was not covered under

the insurance policy but this fact is not considered by the Tribunal and has awarded the compensation on higher side, 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 have no source of income. Applicants need the amount for daily expenses. The grounds raised by the appellant - Insurance Company 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 30% amount out of deposited amount along with accrued interest thereon on out of deposited amount on furnishing usual undertaking.

5. The Interim application is disposed of.

(SHIVKUMAR DIGE, J.)