

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

**INTERIM APPLICATION NO. 6687 OF 2025
IN
FIRST APPEAL (ST) NO. 17255 OF 2024**

Shabbir Khudbuddin Jamadar and Ors. Applicants

IN THE MATTER BETWEEN

United India Insurance Co. Ltd. Kolhapur Thr. Its
Regional Manager. Appellant

Versus

Shabbir Khudbuddin Jamadar and Ors. Respondents

Mr. P. K. Bohade, Advocate for Applicant Nos.1 to 3.

Mr. Amol Gatne, Advocate for the Appellant – Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th JUNE, 2025.

P.C. :

1. By this application, the Applicants are seeking withdrawal of the amount.
2. Learned counsel for the Applicants submits that deceased was B.com. student and he was sole earning member of Applicants' family. Applicants have no sufficient source for survival. They need the amount for their daily expenses. Hence, requested to allow the

application.

3. Learned counsel for the Appellant – Insurance Company submits that the driver of offending vehicle was not holding effective and valid driving licence. The R.T.O. employee is examined to prove the said facts, but there is no discussion on these points by the trial Court. Hence, requested to reject the application.

4. I have heard both learned counsel.

5. The deceased was B.com. student. Applicants have no source of income. They need the amount for their daily expenses. The issue raised by learned counsel for the Appellant – Insurance Company can be considered at the time of final hearing of the appeal, and I pass following order:

ORDER

- i. The Application is allowed.
- ii. The Applicants are permitted to withdraw 50% amount along with accrued interest thereon, on furnishing undertaking.
- . The interim application stands disposed of.

(SHIVKUMAR DIGE, J.)