

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11673 OF 2024

IN

FIRST APPEAL NO. 1018 OF 2023

Prakash Tukaram Devuskar And Ors.

... Applicants

Versus

The Reliance General Insurance Co. Ltd.

... Respondent

.....
Mr. Rahul R. Patil, Advocate for the Applicants.

Ms. Snehal Jadhav i/b. Mr. Akshay Kulkarni, Advocate for the Respondent-Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATED : 15th JANUARY, 2025.

P.C. :

1. By this application, applicants are seeking withdrawal of amount.
2. Learned counsel for the applicants submits that deceased was the sole earning member of applicants' family. Applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the application.
3. Learned APP strongly objected to allow the application on the ground that driver of offending vehicle was not holding effective and valid driving licence and compensation is awarded on higher side, hence requested to reject the application.

4. I have heard both the learned counsel. Deceased was the sole earning member of the applicants' family. They need the amount for daily expenses. They have no source of income. The issue raised by the Insurance Company i.e. respondent in I.A. 11673 of 2024 and appellant in F.A. No. 1018 of 2023 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 the 50% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.
5. The Interim application is disposed of.

(SHIVKUMAR DIGE, J.)