

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 8677 OF 2025
in
FIRST APPEAL NO. 1225 OF 2025

Aarti Ramesh Magdum and ors. ...Applicants

In the matter of

The National Insurance Co. Ltd. Thr. Tp Hub,Appellant/s
VERSUS

Aarti Ramesh Magdum and ors. ...Respondent/s

Mr. S. G. Thorat, Advocate for the Applicants/Respondent Nos.1 to 4.
Ms. Poonam Mital, Advocate for Appellant-Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st AUGUST, 2025.

PC :

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 submitted 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.
3. Learned counsel for appellant - Insurance Company strongly objected to allow the application on the ground that the Tribunal has awarded exorbitant and excessive compensation without any evidence on

record and at the time of the accident, the driver of the offending vehicle was not holding an effective and valid driving license. 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 40% of the deposited amount along with the accrued interest thereon, subject to furnishing the usual undertaking.

Accordingly, the application stands disposed of.

(SHIVKUMAR DIGE, J.)