

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10244 OF 2025
IN
FIRST APPEAL NO. 1633 OF 2025

Parveenbee Nyajahmed Hangad And Anr. ...Applicants

IN THE MATTER BETWEEN :

The Oriental Insurance Co. Ltd. ...Appellant
Versus

Parveenbee Nyajahmed Hangad And Anr. ...Respondents

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Mr. Sharad Bhosale a/w Ms. Sujata Lohar, Mr. Amar Dhumal,
Mr. Saiprasad Patil, Mr. Mohsin Khan i/by Mr. Pritesh K. Bohade
Advocate for the Applicants.

Mr. Nikhil Pawar for the Respondent No.1/Appellant – Insurance
Company.

Mr. Rutik A. Kashid i/by Mr. S. Ghanavat for Respondent Nos.2 & 3.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 1st OCTOBER 2025

P.C.

1. By this Application, the Applicants is seeking withdrawal of
amount.

2. It is contention of learned counsel for the Applicants that
the deceased was the Karta of the Applicants' family and he was the
only earning member of the Applicants' family. Due to tragic death of

the deceased, the Applicants suffered irreparable, financial and psychological loss. The Applicants need the amount for their daily expenses. Hence, requested to allow the application.

3. It is contention of learned counsel for Respondent No.1 - Insurance Company that the accident had occurred due to sole negligence of the deceased and only one vehicle is involved in the said accident, but this fact is not considered by the Tribunal. Hence, requested to reject the application.

4. I have heard all the learned counsels. The deceased was the sole earning member of the Applicants' family. The Applicants need the amount for their daily expenses. The Applicants have no source of income. The grounds raised by the Respondent No.1-Insurance Company can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

1. The application is allowed.
2. The Applicants are permitted to withdraw 40% amount along with accrued interest thereon out of the deposited amount on furnishing usual undertaking.
5. The application is disposed of.

(SHIVKUMAR DIGE, J.)