

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

**INTERIM APPLICATION NO. 9351 OF 2024
IN
FIRST APPEAL NO. 1093 OF 2024**

Archana Naresh Wagh and Ors. Applicants

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd. Thr. Its Branch Appellant
Manager.

Versus

Archana Naresh Wagh and Ors. Respondents

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Ms. Priyanka Lanke a/w Mr. Aniket Nangare i/b R. S. Gangawane, Advocate for the Applicants.

Ms. Prachi Pawar i/b Res Juris, for the Appellant – Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th JULY, 2025.

P.C. :

1. By this application, the Applicants are seeking withdrawal of the amount.

2. Learned counsel for the Applicants submits that the deceased was the sole earning member of Applicants' family. They have not source of income. They need the amount for their daily

expenses. Hence, requested to allow the application.

3. Learned counsel for the Appellant – Insurance Company strongly objected to allow the application on the ground that the Tribunal has considered monthly income of the deceased on higher side and accident occurred due to sole negligence of the deceased, hence, requested to reject the application.

4. I have heard both learned counsel.

5. The deceased was the sole earning member of the Applicants' family. They have no source of income. They need the amount for their daily expenses. The issue raised by 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 25% amount along with accrued interest thereon, on furnishing undertaking.
- . The interim application stands disposed of.

(SHIVKUMAR DIGE, J.)