

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 489 OF 2025

IN

FIRST APPEAL(ST) NO. 21439 OF 2023

Supriya Santosh Tambe And Ors.

... Applicants

Versus

The New India Assurance Company

... Respondent

.....

Mr. S.M.Mangaonkar, Advocate for Applicants.

Smt. Poonam Mital, Advocate for Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 15th JANUARY, 2025.

P.C. :

1. By this application, applicants are seeking withdrawal of amount.

2. It is contention of learned counsel for the applicants that deceased was the sole earning member of applicants' family. Applicants were dependent on the income of deceased. Applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the application.

3. Learned counsel for respondent-Insurance company strongly objected to allow the application on the ground that no evidence was produced on record to prove the income of deceased, the offending vehicle was carrying the passenger more than capacity hence requested to reject

the application.

4. I have heard both the learned counsel. The 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 can be considered at the time of final hearing of the appeal. Hence, considering this fact, I pass following order :

O R D E R

- i. The Interim application is allowed.
- ii. The applicants are permitted to withdraw the 40% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. Interim application is disposed of.

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(SHIVKUMAR DIGE, J.)