

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

INTERIM APPLICATION NO. 1953 of 2024

in

FIRST APPEAL NO. 605 of 2024

Priya Santosh Gurav and ors. ... Applicants

In the matter of

Shriram General Insurance Co.Ltd ... Appellant

versus

Priya Santosh Gurav and ors. Respondents

Mr. Yogendra M. Pendse, Advocate for the Applicants.

Mr. Pandit Kasar, Advocate for Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 31st JANUARY, 2025.

P.C. :

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 submits 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 accident occurred

due to sole negligence of the deceased and income of the deceased is considered on higher side. 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 :

ORDER

1. The application is allowed.
2. The applicants are permitted to withdraw 50% amount along with accrued interest thereon, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)