

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

**INTERIM APPLICATION NO.9614 OF 2024
IN
FIRST APPEAL NO. 223 OF 2024**

Vibha Sunil Aaher And Ors.

Applicants

In the matter of

Divisional Officer, The Oriental Insurance
(assurance) Company Limited
versus

Appellant

Vibha Sunil Aaher And Ors.

Respondents

Ms. Rupa Singh i/b. Mr. Rajan Pawar, Advocate for Applicants/Claimants
Mr. Alok Bhatt, Advocate for the Appellant.
Mr. Sachin S. Padaye, Advocate for Respondent No.5.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th JULY, 2025.

P.C. :

1. Heard learned counsel for the applicants/claimants 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 accident occurred

due to sole negligence of the deceased but this fact is not considered by the Tribunal. 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.)