

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9958 OF 2024

IN

FIRST APPEAL NO. 704 OF 2018

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Chaya Balaso Borade and Ors.

... Applicants

Versus

The Oriental Insurance Co. Ltd. and Anr.

... Respondents

.....

Mr. Avesh Ghadge i/b. Mr. Akshay A. Kulkarni, Advocate for Applicants.
Mr. Sandeep S. Jinsiwale, Advocate for Respondent No.1/Insurance
Company.

CORAM : SHIVKUMAR DIGE, J.

DATED : 20th JANUARY, 2025.

P.C. :

1. By this application, applicants are seeking withdrawal of amount.
2. It is the contention of learned counsel for the applicants that deceased was a sole earning member of applicant's family. Applicants have dependent on the income of deceased. Applicants need the amount for daily expenses and they have no source of income. Hence, requested to allow the application.
3. Learned counsel for the respondent No.1- Insurance company strongly objected to allow the application on the ground that offending vehicle was not involved in the accident. The evidence in that regard is produced before the Tribunal but this fact is not considered by the Tribunal, 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. Applicants have no source of income. Applicants need the amount for daily expenses. The grounds raised by the respondent No.1 / Insurance Company can be considered at the time of final hearing of the appeal. Hence, considering this fact, I pass following order :

ORDER

- (i) The application is allowed.
 - (ii) The applicants are permitted to withdraw 50% amount out of deposited amount along with accrued interest thereon on out of deposited amount on furnishing usual undertaking.
5. The Interim application is disposed of.

(SHIVKUMAR DIGE, J.)