IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 12726 OF 2024
IN
FIRST APPEAL NO. 1869 OF 2024

Farheen Mauzammil Shaikh and ors.	…	Applicants
In the matter of		
Bajaj Allianz General Insurance Company Ltd., Mumbai	….	Appellant
versus		
Farheen Mauzammil Shaikh and ors.	…	Respondents

Mr. Pramod Purav along with Mr. Niketan Nakhawa, Advocate for the Applicants.
Ms. Snehal Jadhav i/b. Mr. Sarthak S. Diwan, Advocate for Appellant-Insurance Company.
Ms. Varsha Nichani, Advocate for Respondent No.7.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th 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 driver of the offending vehicle was not holding effective and valid driving license. 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 :

O R D E R

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

The application is disposed of.

(SHIVKUMAR DIGE, J.)