

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 14239 OF 2024****IN****FIRST APPEAL NO. 762 OF 2023**

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Kiran Kesrinath Patil

... Applicant

Versus

United India Insurance Co.

... Respondent

.....

Mr. Sanjay Ghaisas, Advocate for Applicant.

Smt. Varsha Chavan, Advocate for Respondent / Insurance Company.

CORAM : SHIVKUMAR DIGE, J.**DATED : 20th JANUARY, 2025.****P.C. :**

1. By this application, applicant is seeking withdrawal of amount.
2. It is the contention of learned counsel for the applicant that deceased was a sole earning member of applicant's family. Applicant was dependent on the income of deceased. Applicant need the amount for daily expenses and has no source of income. Hence, requested to allow the application.
3. Learned counsel for the respondent Insurance company strongly objected to allow the application on the ground that at the time of accident, there was no valid permit, driver of offending vehicle was not holding effective and valid driving licence and compensation is awarded on higher side. Hence requested to reject the application.

4. I have heard both the learned counsel. The deceased was the sole earning member of the applicant's family. Applicant has no source of income. Applicant need the amount for daily expenses. The grounds raised by the respondent / 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 applicant is permitted to withdraw 40% 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.)