

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
INTERIM APPLICATION NO. 14755 OF 2024
IN
FIRST APPEAL NO. 1876 OF 2024

Surekha Raju Chaudhari and Ors. Applicants

IN THE MATTER BETWEEN

Divisional Manager, Reliance General Insurance Appellant
Company Limited, Nashik.

Versus

Surekha Raju Chaudhari and Ors. Respondents

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Ms. Rupa Singh i/b Mr. Rajan S. Pawar, for the Applicant.
Mr. Avesh Ghadge i/b Mr. Akshay Kulkarni, for the Appellant/Insurance
Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th JANUARY, 2025.

P.C. :

1. By this application, the Applicants are seeking withdrawal of the amount.
2. Heard learned counsel for the Applicants and learned counsel for the Appellant/Insurance Company.
3. Learned counsel for the Applicants submit that deceased was the sole earning member of Applicants' family. They have no source of income. They need the amount for their daily expenses. Hence, requested to allow the application.

4. It is contention of learned counsel for the Appellant/Insurance Company that income of the deceased is considered on higher side. The deceased was pillion rider. Accident occurred due to negligence of rider of the motorcycle and age of the deceased is not proved before the Tribunal and there is delay for filing FIR but this fact is not considered by the Tribunal. Hence, requested to reject the application.

5. I have heard both learned counsel. Deceased was the sole earning member. Applicants have no source of income. They need the amount for their daily expenses. The issue raised by the learned counsel for the Appellant/Insurance Company can be considered at the time of final hearing of appeal. Hence, I pass following order:-

ORDER

- i. Application is allowed.
- ii. The Applicants are permitted to withdraw 40% amount out of the deposited amount along with accrued interest thereon, on furnishing undertaking.
- iii. The Application stands disposed of.

(SHIVKUMAR DIGE, J.)