

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15169 OF 2024

IN

FIRST APPEAL NO. 81 OF 2023

Madhavi Sharad Mahajan And Ors.

... Applicants

In the matter between

Kiran Sarjerav Darade and Anr.

... Appellants

Versus

Kiran Sarjerav Darade And Anr.

... Respondents

.....

Mr. Satyajeet Shirke, Advocate for the Applicants.

Mr. Jayant Bardeskar, Advocate for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATED : 15th JANUARY, 2025.

P.C. :

1. By this application, applicants are seeking withdrawal of amount.
2. It is contention of learned counsel for the applicants that deceased was the sole earning member of applicants' family. Applicants were dependent on the income of deceased. Applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the application.
3. Learned counsel for respondent No.1 strongly objected to allow the application on the ground that accident occurred due to negligence of

the deceased and the income of the deceased is not proved. 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. They need the amount for daily expenses. They have no source of income. The issue raised by the 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 Interim application is allowed.
 - ii. The applicants are permitted to withdraw the 50% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.
5. Interim application is disposed of.