

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 15264 of 2024
IN
FIRST APPEAL NO. 1237 of 2024

Yasmeen Akhtar and anr. ... Applicants
In the matter of
The New India Assurance Company Limited ... Appellant
versus
Yasmeen Akhtar and ors. Respondents

Mr. Abhijit Desai, Advocate for the Applicants.
Ms. Ishita Bhole along with Mr. Mohit Turakhia i/b. Mr. A. S. Vidyarthi,
Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th 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 policy produced

before the Tribunal was fake and fabricated policy. The said fact is considered by the Tribunal but has passed pay and recovery order, which is erroneous. 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 25% amount along with accrued interest therein, out of the deposited amount on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)