

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
INTERIM APPLICATION NO. 15544 OF 2024
IN
FIRST APPEAL (ST) NO. 12619 OF 2017

Kiran Ramesh Waghari and Ors. Applicants

IN THE MATTER BETWEEN

The Oriental Insurance Co. Ltd. Appellant

Versus

Kiran Ramesh Waghari and Ors. Respondents

Mr. Mohit Turakhia i/b Ms. Ishita Bhole, for Applicant Nos.1 to 4.
Mr. Pradyumna Thakurdesai i/b Mr. D. S. Joshi, for the
Appellant/Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th JANUARY, 2025.

P.C. :

1. Heard learned counsel for Applicant Nos.1 to 4 and learned counsel for the Appellant/Insurance Company.

2. By this application, the Applicants are seeking withdrawal of the amount.

3. Learned counsel for the Applicants submits that deceased was the sole earning member of their family. They have no source of income. They needs the amount for their daily expenses. Hence,

requested to allow the application.

4. Learned counsel for the Appellant/Insurance Company strongly objected to allow the application on the ground that the driver of the offending vehicle is minor and he was not holding effective and valid driving licence. Hence, requested to reject the application.

5. I have heard both learned counsel. Deceased was the sole earning member of Applicant's family. 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 the appeal. Hence, I pass following order:-

ORDER

- i. Application is allowed.
- ii. Applicants are permitted to withdraw 20% amount out of deposited amount along with accrued interest thereon, on furnishing undertaking.
- iii. Application is disposed of.

(SHIVKUMAR DIGE, J.)