

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 811 of 2025
in
FIRST APPEAL NO. 751 of 2024**

Priyanka Sandip Jadhav and ors.

.... Applicants

In the matter of

Branch Manager, United India Insurance Company
Ltd.Pune.

.... Appellant

Versus

Priyanka Sandip Jadhav and ors.

.....Respondents

Mr. Vivek V. Salunke, Advocate for Applicants/Respondent Nos.1 to 4.

Mr. Nikhil Mehta i/b. KMC Legal Venture, Advocates for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th AUGUST, 2025.

PC :

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 submitted 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 at the time of the

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accident, the driver of the offending vehicle was not holding effective and valid driving license. There is breach of terms and conditions of the insurance policy but this fact is not considered by the Tribunal. 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 50% of the deposited amount along with the accrued interest thereon, subject to furnishing the usual undertaking.

Accordingly, the application stands disposed of.

(SHIVKUMAR DIGE, J.)