

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 856 OF 2025

in

FIRST APPEAL STAMP NO. 27823 OF 2024

Surekha Chandrasingh Patil and ors. ... Applicants

In the matter of

Divisional Manager, National Insurance Company ... Appellant
Limited Thr. Mumbai Regional Office

versus

Surekha Chandrasingh Patil and ors. Respondents

Mr. Sachin Gite, Advocate for Applicants/Respondent Nos.1 to 3.
Ms. Sneha S. Dwivedi, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th 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.

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3. Learned counsel for appellant - Insurance Company strongly objected to allow the application on the ground that the accident occurred due to composite negligence of rider of both motorcycles 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 30% amount along with accrued interest therein, out of the deposited amount on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)