IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3920 OF 2025
in
FIRST APPEAL NO. 1439 OF 2025

Vidya Sushil Gilbile and ors. Applicants

In the matter of

Royal Sundaram Alliance Insurance Co. Ltd. Mumbai Appellant/s

versus

Vidya Sushil Gilbile and ors. Respondent/s

Mr. T. R. Kale i/b. Mr. T. J. Mendon, Advocate for Applicants/Claimants.
Mr. Nikhil Mehta i/b. KMC Legal Venture, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd JULY, 2025.

P.C. :

1. Heard learned counsel for the applicants/claimants and learned counsel for appellant-Insurance Company.

2. 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 objected to allow the application on the ground that the policy produced on record is fake policy. Only xerox copy of the insurance policy was produced on record 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 ground 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% of the deposited amount, along with the accrued interest thereon, upon furnishing the usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)