

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

**INTERIM APPLICATION NO. 6831 OF 2025
IN
FIRST APPEAL NO. 1745 OF 2024**

Devram Dhondu Thokal And Ors. Applicants

IN THE MATTER BETWEEN

Divisional Manager, Bajaj Allianz General Insurance Company Ltd. Pune Appellant

Versus

Devram Dhondu Thokal And Ors. Respondents

Mr. Yogesh Pande, Advocate for the Applicants.

Mr. Aditya Ghadge i/b Mr. Sarthak S. Diwan, Advocate for the Appellant – Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th AUGUST, 2025.

P.C. :

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

2. It is contention of learned counsel for the Applicants that the deceased was sole earning member of the Applicants' family. They need the amount for their daily expenses. Hence, requested to allow the application.

3. It is contention of learned counsel for the Appellant – Insurance Company that the deceased was gratuitous passenger in the offending vehicle, but this fact is not considered by the Tribunal. Hence, requested to reject the application.

4. I have heard both learned counsel.

5. The deceased was the sole earning member of the Applicants' family. They need the amount for their daily expenses. The issue raised by the Appellant – Insurance Company can be considered at the time of final hearing of the appeal, and I pass following order:

ORDER

- i. The application is allowed.
- ii. The Applicants are permitted to withdraw 40% amount out of deposited amount along with accrued interest thereon, on furnishing undertaking.

(SHIVKUMAR DIGE, J.)