

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7754 OF 2025

IN

FIRST APPEAL NO. 1049 OF 2025

Gitanjali Chandrashekhar Jagtap and Ors.

... Applicants

In the matter between

Divisional Officer

... Appellant

United India Insurance Co. Ltd.

Versus

Gitanjali Chandrashekhar Jagtap and Ors.

... Respondents

.....

Mr. Pritesh K. Bohade, Advocate for the Applicants.

Smt. Sneha S. Dwivedi, Advocate for the Appellant in FA/1049/2025.

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CORAM : SHIVKUMAR DIGE, J.

DATED : 30th JUNE, 2025.

P. C. :

1. By this application, applicants are seeking withdrawal of amount.
2. It is the contention of learned counsel for the applicants that deceased was a sole earning member of applicants' family. Applicants were dependent on the income of deceased. Applicants need the amount for daily expenses and they have no source of income. Hence, requested to allow the application.
3. Learned counsel for the appellant- Insurance company strongly objected to allow the application on the ground that delay of 52 days for

filing FIR. The appellant-Insurance Company has raised issue of involvement of vehicle but this fact is not considered by the Tribunal, hence requested to reject the application.

4. I have heard both the learned counsel. The deceased was the sole earning member of the applicants' family. Applicants have no source of income. Applicants need the amount for daily expenses. The grounds raised by the appellant - Insurance Company can be considered at the time of final hearing of the appeal. Hence, considering this fact, I pass following order :

ORDER

- (i) The application is allowed.
- (ii) The applicants are permitted to withdraw 25% amount out of deposited amount along with accrued interest thereon on out of deposited amount on furnishing usual undertaking.

5. The Interim application is disposed of.

(SHIVKUMAR DIGE, J.)