

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8714 OF 2025

IN

FIRST APPEAL NO. 2014 OF 2024

Manisha Pramod Mistry & Ors.

... Applicants

In the matter of

Cholamandalam Ms General Insurance Co. Ltd.
Mumbai

... Appellant

Versus

Manisha Pramod Mistry And Ors.

... Respondents

.....

Ms. Rina Kundu, Advocate for Applicant Nos. 1 to 4.

Mr. Aditya Ghadge i/b. S.S.Diwan, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATED : 13th 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 have 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 the driver of offending

vehicle was not holding effective and valid driving licence. In spite of that the Tribunal has passed pay and recover over which is erroneous, 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 50% 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.

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(SHIVKUMAR DIGE, J.)