

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

INTERIM APPLICATION NO.8899 OF 2025

IN

FIRST APPEAL NO. 2015 OF 2024

Meena Mahendra Singh And

Anr.

....Applicants/Appellants

Versus

Kotak Mahindra General

Insurance Co. Ltd.& Ors.

....Respondents

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

Smt. Rina Kundu, Advocate for the Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th JUNE, 2025.

P.C. :

1. Heard learned counsel for the Applicants/Appellants and
learned counsel for the Respondents.

2. By this Application, the Applicant is seeking withdrawal of
the amount.

3. Learned counsel for the Applicants submit that, the
deceased was sole earning member of Applicant's family. The
Applicants need the amount for their daily expenses. Applicant's have

no source of income. Hence, requested to allow the Application.

4. The learned counsel for the Respondent – Insurance Company strongly objected to allow the Application on the ground that the owner of the insured vehicle had died prior to the accident and the same was not communicated to the insurance company and compensation is awarded under other heads on higher side. Hence, requested to reject the Application.

5. I have heard both the learned counsel.

6. The deceased was sole earning member of the family, the Applicants needs the amount for their daily expenses. They have no source of income. The issue raised by the learned counsel for Respondent-Insurance Company can be considered at the time of the final hearing of the Appeal. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicants are permitted to withdraw 50 % amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)