IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9454 OF 2025
in
FIRST APPEAL NO. 1501 OF 2025

Vishwanath Sitaram Patil and ors. ...Applicants

In the matter of

National Insurance Company Limited Thr.
Mumbai Regional Office, Mumbai …..Appellant/s

VERSUS

Vishwanath Sitaram Patil and ors. ...Respondent/s

Mr. Sanjay Ghaisas, Advocate for Applicants/claimants.
Ms. Sneha S. Dwivedi, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st AUGUST, 2025.

PC :

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

2. By this application, the applicants are seeking withdrawal of the amount. 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 strongly objected to allow the application on the ground that the insurance policy

was special contigency policy and it is not extended to cover the risk of third party/deceased under Motor Vehicle Act but the Tribunal has awarded compensation. 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 grounds 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, subject to furnishing the usual undertaking.

Accordingly, the application stands disposed of.

(SHIVKUMAR DIGE, J.)