

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9500 OF 2025

IN

FIRST APPEAL NO. 1842 OF 2024

Gorakhnath Bhikaji Borhade And Anr. ... Applicants

IN THE MATTER OF

Bajaj Allianz General Insurance Co. Ltd. ... Appellant

Versus

Gorakhnath Bhikaji Borhade And Ors. ... Respondents

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.....
Mr. T. R. Kale i/b. Mr. T. J. Mendon, Advocate for the Applicants.
Mr. Sarthak S. Diwan, Advocate for the Appellant-Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATED : 10th JULY, 2025.

P. C. :

1. By this application, the 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 there was breach of

terms and conditions of insurance policy as it was act only policy, but these facts are 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 30% 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.)