

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9509 OF 2025

IN

FIRST APPEAL(ST) NO. 3433 OF 2025

Sonam Ajit Sathe and Ors.

... Applicants

IN THE MATTER OF

New India Assurance Co. Ltd.

... Applicant

Versus

Sonam Ajit Sathe And Ors.

... Respondents

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Mr. Yogesh Pande, Advocate for Applicants.

Mr. Devendranath S. Joshi, Advocate for Appellant – Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATED : 10th JULY, 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. It is contention of learned counsel for the appellant- Insurance company that there is breach of terms and conditions of insurance policy and compensation amount is awarded on higher side, 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 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.

(SHIVKUMAR DIGE, J.)