

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

**INTERIM APPLICATION NO. 9969 OF 2025
IN
FIRST APPEAL NO. 1207 OF 2024**

Yenubai Gautam Godbole and Ors. Applicants

IN THE MATTER BETWEEN

Reliance General Insurance Co. Ltd., Mumbai Appellant

Versus

Yenubai Gautam Godbole and Ors. Respondents

Digitally signed
by SHANTANU
SHANKARSA
DHUDUM
Date:
2025.07.22
10:56:05
+0530

Mr. Vasant N. More, Advocate for Applicant Nos.1 to 3.
Mr. Avesh Ghadge i/b Mr. Akshay Kulkarni, Advocate for the
Appellant/Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th JULY, 2025.

P.C. :

1. By this application, the Applicants are seeking withdrawal of the amount.
2. The deceased was the sole earning members of Applicants' family. They have no source of income. They need the amount for their daily expenses. Hence, requested to allow the appeal.
3. Learned counsel for the Appellant – Insurance Company strongly objected to allow the application on the ground that at the

time of accident driver of offending vehicle was not holding effective and valid driving licence, there was breach of terms and conditions of insurance policy, but this fact is not considered by the Tribunal. Hence, requested to reject the application,

4. I have heard both learned counsel.

5. The deceased was the sole earning member of the Applicants' family. They have no source of income. They need the amount for their daily expenses. The issue raised by the Appellant – Insurance Company can be considered at the time of final hearing of the appeal, and I pass following order:

ORDER

- i. The Application is allowed.
- ii. The Applicants are permitted to withdraw 50% amount out of the deposited amount along with accrued interest thereon, on furnishing undertaking.
- . The interim application stands disposed of.

(SHIVKUMAR DIGE, J.)