

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

**INTERIM APPLICATION NO. 9998 OF 2025
IN
FIRST APPEAL (ST) NO. 25251 OF 2021**

Jamila Khattoon Gule Ahemad Choudhary and Applicants
Ors.

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd. Appellant

Versus

Jamila Khattoon Gule Ahemad Choudhary and Respondents
Ors.

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Adv. Pradnyesh Lokegaonkar a/w Mr. Dhruv Karnik, Advocate for
the Applicants.

Ms. Poonam Mital, 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 application.

3. Learned counsel for the Appellant – Insurance Company strongly objected to allow the application on the ground that the accident occurred due to sole negligence of rider of the bike, 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.)