

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10108 OF 2025

IN

FIRST APPEAL(ST) NO. 4958 OF 2020

Noorjaha Kamare Alam Salmani (Shaikh) And Ors. ... Applicants

In the matter of

The New India Assurance Co. Ltd. ... Appellant

Versus

Noorjaha Kamare Alam Salmani (Shaikh) And Ors. ... Respondents

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
2025.07.18
10:37:48
+0700

.....

Ms. Shraddha Pawar i/b. Mr. Vilas Tapkir, Advocate for Applicants.

Mr. Rajesh Kanojia i/b. Res Juris, Advocate for Appellant-Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATED : 17th 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 have 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 the deceased was

travelling in commercial vehicle as a gratitude passenger, hence the Insurance Company is not liable to pay compensation 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 40% 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.)