

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10538 OF 2025

IN

FIRST APPEAL(ST) NO. 6868 OF 2025

Smita Mangesh Patil And Ors.

... Applicants

IN THE MATTER OF

The New India Assurance Co. Ltd.

... Appellant

Versus

Smita Mangesh Patil And Ors.

... Respondents

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Mr. Bhushan Walimbe, Advocate for the Applicants.

Ms. Jyoti Bajpayee, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATED : 29th 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 applicant's 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. It is contention of learned counsel for the appellant- Insurance company that accident occurred due to sole negligence of the deceased 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.)