

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 10661 of 2025
in
FIRST APPEAL NO. 812 OF 2025

Lubna Khanam Pintoo Khand and ors.

Applicants

In the matter of

Magma General Insurance Co.

Appellant

Versus

Lubna Khanam Pintoo Khand and ors.

Respondents

Mr. Vasant N. More, Advocate for Applicants/claimants.

Ms. Shalini Shankar, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st AUGUST, 2025.

PC :

1. Heard learned counsel for the applicants and learned counsel for appellant-Insurance Company.

2. Learned counsel for the applicants submitted that the deceased was the sole earning member of the applicants' family. The applicants have no source of income, they need the amount for their daily expenses. Hence, requested to allow the application.

3. Learned counsel for appellant - Insurance Company objected to allow the application on the ground that there was breach of terms and conditions of the insurance policy and the Tribunal has considered monthly income of the deceased on higher side. Hence, requested to reject the application.

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4. I have heard both learned counsel. The deceased was the sole earning member of the applicants' family. The applicants have no source of income, they need the amount for their daily expenses. The grounds raised by the appellant-Insurance can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

1. The application is allowed.
 2. The applicants are permitted to withdraw 50% of the deposited amount, along with the accrued interest thereon, upon furnishing the usual undertaking
- The application is disposed of.

(SHIVKUMAR DIGE, J.)