

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10709 OF 2025

IN

FIRST APPEAL NO. 1554 OF 2025

Shubhangi Yuvraj Borole And Ors.

... Applicants

IN THE MATTER OF

Magma Hdi General Insurance Co. Ltd.

... Appellant

Versus

Shubhangi Yuvraj Borole And Ors.

... Respondents

.....

Advocate Raufa Shaikh i/b. Yuvraj Narvankar, Advocate for the Applicants.
Mr. Pandit Kasar, Advocate for the Appellant/Insurance Company.

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CORAM : SHIVKUMAR DIGE, J.

DATED : 4th AUGUST, 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 the Tribunal has considered monthly income of the deceased on higher side and on that basis compensation is awarded which is

erroneous, 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.)