

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11081 OF 2025

IN

FIRST APPEAL(ST) NO. 453 OF 2024

Usha Sahebrao Gaikwad and Ors.

... Applicants

In the matter between

Reliance General Insurance Co. Ltd.

... Applicant

Versus

Usha Sahebrao Gaikwad And Ors.

... Respondents

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Mr. T.R.Kale i/b. Mr. T. J. Mendon, Advocate for the Applicants.

Mr. Aditya Ghadge i/b. Mr. Akshay Kulkarni, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATED : 14th 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 there was breach of terms and conditions of insurance policy, in spite of that the Tribunal has passed pay and recover order and

monthly income of the deceased is considered on higher side, 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.)