

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

FIRST APPEAL (ST) NO. 13404 OF 2024
WITH
INTERIM APPLICATION NO. 8512 OF 2024
WITH
INTERIM APPLICATION NO. 8511 OF 2024
IN
FIRST APPEAL (ST) NO. 13404 OF 2024

Cholamandalam M/s. General Insurance Co. Appellant/
Ltd. Applicant

Versus

Madhukar Sampat Bhosale and Anr. Respondents

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WITH
INTERIM APPLICATION NO. 14950 OF 2024
IN
FIRST APPEAL (ST) NO. 13404 OF 2024

Madhukar Sampat Bhosale and Anr. Applicants

IN THE MATTER BETWEEN

Cholamandalam M/s. General Insurance Co. Appellant
Ltd.

Versus

Madhukar Sampat Bhosale and Anr. Respondents

Ms. Snehal Jadhav i/b Sarthak Diwan, for the Appellant.

Mr. Niketan Nakhawa a/w Mr. Pramod Purav, for Respondent No.1 and Applicants in IA/14950/2024.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th NOVEMBER, 2024.

P.C. :

INTERIM APPLICATION NO. 8512 OF 2024

1. Heard learned counsel for the Applicant.
2. Learned counsel for the Applicant submits that Applicant has deposited entire award amount along with accrued interest thereon.
3. Considering the submissions of the learned counsel for the Applicant and reasons mentioned in the application, the impugned order is stayed till final disposal of the appeal. Application is disposed of.

INTERIM APPLICATION NO. 8511 OF 2024

1. Heard learned counsel for the Applicant.
2. Considering the submissions of the learned counsel for the Applicant and the reasons mentioned in the Application, the delay of 16 days for filing the Appeal is condoned. The Application is allowed and disposed of.

3. The Appeal be registered.

INTERIM APPLICATION NO. 14950 OF 2024

1. By this application, Applicants are seeking withdrawal of the amount.

2. Learned counsel for the Applicants submits that the injured was the sole earning member of Applicants' family. Applicants have no source of income. They need the amount for their daily expenses. Hence, requested to allow the application.

3. Learned counsel for the Respondent submits that the learned Tribunal has considered firm's income as income of the injured instead of his individual income. Hence, requested to reject the application.

4. I have heard both learned counsel. The injured was the sole earning member of Applicants' family. They need the amount for their daily expenses. The issue raised by the learned counsel for the Respondents can be considered at the time of final hearing. Hence, I pass following order:

ORDER

i. Application is allowed.

ii. The Applicants are permitted to withdraw 50%

amount out of deposited amount along with accrued
interest thereon, on furnishing undertaking.

5. The interim application stands disposed of.

(SHIVKUMAR DIGE, J.)