

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

**INTERIM APPLICATION NO.14174 OF 2024
IN
FIRST APPEAL (ST) NO. 24716 OF 2024
WITH
FIRST APPEAL (ST) NO. 24716 OF 2024**

Cholamandalam Ms. Gen. Ins. Co. Ltd. ...Applicant
V/s.
Smt. Sangita Macchindra Gulave And Ors. ...Respondents

**WITH
INTERIM APPLICATION NO.6724 OF 2025
IN
FIRST APPEAL (ST) NO. 24716 OF 2024**

Smt. Sangita Macchindra Gulave And Ors. ...Applicants

IN THE MATTER BETWEEN

Cholamandalam Ms. General Insurance Co. Ltd. ...Appellant
V/s.
Smt. Sangita Macchindra Gulave And Ors. ...Respondents

Mr. Rajesh Kanojia i/by Res Juris, for the Applicant in IA/14174/2024 and Appellant in FA(ST)/24716/2024.

Mr. Pritesh K. Bohade, for the Applicants in IA/6724/2025 and Respondent Nos.1 to 3 in FA(ST)/24716/2024.

CORAM : SHYAM C. CHANDAK, J.

DATED : 03rd APRIL, 2025

P.C. :-

INTERIM APPLICATION NO.14174 OF 2024

. Heard.

2) Present Application seeking condonation of delay of 146 days in filing the aforesaid Appeal.

- 3) Mr. Bohade, the learned Advocate for the Respondent Nos.1 to 3 has no objection to condone the delay.
- 4) Mr. Kanojia, the learned Advocate States that the Applicant/Insurance Company has not raised any statutory defence in this case. There is no issue of fake policy. In view thereof, the service of notice to Respondent Nos.4 and 5 may be dispensed with.
- 5) Hence, the notice to Respondent Nos.4 and 5 is dispensed with.
- 6) The delay is not huge. In view thereof and, considering the other reasons stated in the Application, the Application is allowed. The delay of 146 days in filing the aforesaid Appeal is condoned.
- 7) Appeal be registered.
- 8) Interim Application stands disposed of.

INTERIM APPLICATION NO.6724 OF 2025

. Heard.

- 2) Present Application filed by the Respondents/Claimants seeking permission to withdraw some amount of their share in the compensation amount.
- 3) Mr. Kanojia, the learned Advocate for the Appellant opposed the Application.
- 4) The prayer for withdrawal of compensation amount is based on the ground that, the Claimants are facing various financial difficulties.

The accident occurred in the year, 2016. Since then, the Claimants have been waiting for compensation amount.

5) Therefore, and considering the other reasons stated in the Application, the Applicant Nos.1 to 3 are permitted to withdraw 50% of the compensation amount of their share with proportionate interest subject to furnishing usual undertaking that in case the Appellant succeeds in this Appeal, the Applicant Nos.1 to 3 would refund the said amount alongwith interest as would be directed by this Court. The Tribunal shall invest remaining amount with Nationalized Bank giving highest interest from time to time.

6) Application stands disposed of, accordingly.

FIRST APPEAL (ST) NO. 24716 OF 2024

. Issue notice to only Respondent Nos.1 to 3, as notice to Respondent Nos.4 and 5 dispensed with. Notice made returnable on 16th April, 2025.

2) Mr. Bohade, the learned Advocate waives notice on behalf of the Respondent Nos.1 to 3.

3) Learned Advocate for the parties state that, they would explore the possibility of an amicable settlement in the matter.

4) Stand over to **16th April 2025**, under the caption “for settlement”.

(SHYAM C. CHANDAK, J.)