

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION(ST) NO. 28879 OF 2025
IN
FIRST APPEAL(ST) NO. 6025 OF 2025

Savita Sanjay Patil And Ors. ...Applicants

IN THE MATTER BETWEEN :

The Divisional Manager
Uniter India Insurance Co. Ltd. ...Appellant

Versus

Savita W/o. Sanjay Patil And Ors. ...Respondents

WITH
INTERIM APPLICATION NO. 3981 OF 2025
IN
FIRST APPEAL(ST) NO. 6025 OF 2025

The Divisional Manager
Uniter India Insurance Co. Ltd. ...Applicant/Appellant

Versus

Savita W/o. Sanjay Patil And Ors. ...Respondents

.....

Mr. R. S. Alange a/w Mr. V. S. Kupwade for Applicants in IA(st.)
No.28879/2025.

Ms. Varsha Chavan for the Respondent/Appellant – Insurance
Company.

.....

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd SEPTEMBER 2025

P.C.

INTERIM APPLICATION(ST) NO. 28879 OF 2025 :

1. Heard learned counsel for the Applicants and learned counsel
for the Respondent/Appellant-Insurance Company.

2. By this application, the applicants are seeking withdrawal of amount deposited by the Respondent-Insurance Company.

3. It is contention of learned counsel for the applicants that the deceased was Karta of the applicants' family, he was the only earning member of the applicants' family. Due to tragic death of the deceased, the applicants suffered irreparable, financial and psychological loss. The applicants need the amount for their daily expenses. Hence, requested to allow the application.

4. It is contention of learned counsel for Respondent/Appellant-Insurance Company that applicants dashed the insured vehicle from back side. Accident occurred due to sole negligence of the deceased, but the Tribunal has not considered this fact. Learned counsel further submitted that the Tribunal has applied wrong multiplier on the basis of age of deceased which is erroneous. Hence, requested to reject the application.

5. I have heard both learned counsel. The deceased was the sole earning member of the applicants' family. The applicants need the amount for their daily expenses. The grounds raised by the Respondent/Appellant-Insurance Company can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

- i. The application is allowed.
- ii. The applicants are permitted to withdraw 50% amount along with accrued interest thereon out of the deposited amount on furnishing usual undertaking.
- iii. Leave to file compilation of documents is granted for four weeks.
- iv. The application is disposed of.

INTERIM APPLICATION NO. 3981 OF 2025:

1. Heard learned counsel for Applicant/Appellant Insurance Company and learned counsel for the Respondents.
2. By this application, the Applicant/Appellant is seeking condonation of delay of 36 days for filing the appeal.
3. Considering the submissions of both learned counsel and reasons mentioned in the application, delay of 36 days for filing the appeal is condoned. The application is allowed and disposed of.
4. The appeal be registered.

(SHIVKUMAR DIGE, J.)