

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 11212 OF 2025
IN
FIRST APPEAL(ST) NO. 21394 OF 2024**

Mahadev Pandurang Kanase And Anr. ...Applicants
Versus
Divisional Manager, Cholamandalam
M/s. General Ins. Co. Ltd. ...Respondent

.....

Mr. Santosh D. Bhosale, for Applicant.
Adv. P. D. Alawekar, Advocate for Respondent .

.....

**CORAM : SHIVKUMAR DIGE, J.
DATE : 11th DECEMBER 2025**

P.C.

1. Heard learned counsel for the applicants and learned counsel for respondent. By this application, the applicant is seeking withdrawal of the amount.

2. It is contention of learned counsel for applicants that the deceased was sole earning member of the family. The applicants have no source of income. They need income income for daily expenses and requested to allow the application.

3. It is contention of learned counsel for respondent that the claimants have not proved employer and employee relationship

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between the deceased and his employer. At the time of accident, the deceased was under the influence of liquor, but this fact is not considered by the Tribunal and requested to reject the application.

4. I have heard both learned counsels. The deceased was sole earning member of the applicant's family. The applicants have no source of income. They need income for daily expenses. The issue raised by the respondents can be dealt at the time of final hearing of the appeal.

5. In view of above, I pass following order:

ORDER

I. The application is allowed.

II. The applicants are permitted to withdraw 40% of the deposited amount alongwith accrued interest thereon.

6. The application is disposed off accordingly.

7. Returnable date in First Appeal is extended to 14th January 2026. List the First Appeal on 14th January 2026.

(SHIVKUMAR DIGE, J.)