

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 12777 OF 2024
IN
FIRST APPEAL NO. 668 OF 2024

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Renuka Ganesh Patill And Ors. ...Applicants
Versus
HDFC Ergo General Insurance Co. Ltd. Sangli ...Respondent

Mr. Drupad S. Patil, Advocate for the Applicants.
Mr. Devendranath Joshi, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.
DATE : 19th DECEMBER, 2025

P.C.

1. By this application, the applicants are seeking withdrawal of compensation amount deposited by the Respondent-Insurance Company with District and Additional Sessions Judge, Sangli in connection with Motor Accident Claim Petition No. 90 of 2020.
2. It is contention of learned counsel for the applicants that the deceased was the sole earning member of their family. They have no source of income. The applicants needs the amount for their daily expenses. Hence, requested to allow the application.

3. It is contention of respondent-insurance company that there was no insurance policy of the offending vehicle. In spite of that, the Tribunal has passed pay and recovery order, which is erroneous. Hence requested to reject the application.

4. I have heard both the learned counsel. Perused the judgment and order passed by the Tribunal.

5. The deceased was the sole earning member of the applicant's family. Applicant needs the compensation amount for their daily expenses. The objection raised by the learned counsel for the respondent insurance company is considered at the time of hearing of the appeal. In view of the above, I pass following order.

ORDER

- I. Application is allowed.
 - II. The applicants are permitted to withdraw 25% amount out of the total compensation amount deposited by the respondent insurance company along with accrued interest there on by filing usual undertaking.
6. The interim application is disposed off.

(SHIVKUMAR DIGE, J.)