

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

**INTERIM APPLICATION NO. 6986 OF 2025
IN
FIRST APPEAL NO. 2033 OF 2024**

Smt. Anita Sachin Chorage and Ors. Applicants

In the matter between :-

United India Gen. Ins. Co. Ltd. Appellant

v/s.

Smt. Anita Sachin Chorage and Ors. Respondents

**WITH
INTERIM APPLICATION NO. 16058 OF 2024
IN
FIRST APPEAL NO. 2033 OF 2024
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United India Gen. Ins. Co. Ltd. Applicant

v/s.

Smt. Anita Sachin Chorage and Ors. Respondents

Mr. T.J. Mendon a/w. Mr. T.R. Kale for the Applicants in IA/6986/2025.
Ms. Varsha Chavan (through VC) for the Appellant.

CORAM : SHYAM C. CHANDAK, J.

DATED : 09th APRIL, 2025

P.C. :-

ORDER IN INTERIM APPLICATION NO. 6986 OF 2025 :-

- . Heard learned Advocate for the respective parties.
- 2) Present Application filed by the Original Claimants seeking withdrawal of the compensation amount deposited by the Appellant.
- 3) Ms. Chavan, learned Advocate for the Appellant opposed the Application stating that as asserted in the claim, the vehicle insured with

the Appellant did not dash the vehicle in which the deceased was travelling at the relevant time. This fact is evident from the spot panchanama. However, the Appellant and the owner as well as the driver of the vehicle insured with the Appellant held responsible for the accident and liable to pay the compensation.

4) The withdrawal is sought on the ground that the Applicants were completely dependent upon the income of the deceased. Since his death, the Applicants are facing the financial difficulties.

5) The Applicant No.2 is minor. In view thereof and considering the other grounds stated in the Application, the Applicant Nos.1, 3 and 4 are permitted to withdraw 30% 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 Applicants/Claimants would refund the said amount along with interest as would be directed by this Court. The Tribunal shall invest remaining amount of compensation with nationalized bank giving highest interest from time to time.

6) Interim Application stands disposed of.

ORDER IN INTERIM APPLICATION NO. 16058 OF 2024 :-

7) In view of the statement made by Ms. Chavan, learned Advocate that the Appellant/Applicant has deposited entire amount along with accrued interest in the Tribunal concerned, the interim stay granted *vide* Order dated 19th December, 2024 stands confirmed.

8) Application is allowed in terms of prayer clause (a) and is

disposed of.

ORDER IN FIRST APPEAL NO. 2033 OF 2024 :-

9) Issue notice to the Respondents, returnable on **23rd June, 2025**. Mr. Mendon, learned Advocate waives notice on behalf of Respondent Nos.1 to 4.

10) The Appellant to provide copies of the Appeal to the Registry, for service of notice on Respondent Nos.5 to 13. In addition to Court's notice, the Appellant to serve the Respondent Nos.5 to 13 with private notice and file affidavit of service before the returnable date. Hamdast allowed. The Appellant is also permitted to avail special bailiff.

11) Considering the issues involved in the Appeal, the parties shall note that the Appeal will be taken up for final hearing at the stage of admission. Learned Advocate for the Appellant to file proper compilation of documents with advance copy to the other side, if service is possible.

12) Stand over to **23rd June, 2025**.

(SHYAM C. CHANDAK, J.)