

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

**INTERIM APPLICATION NO.1282 OF 2025
IN
FIRST APPEAL NO. 786 OF 2024**

Sonali Samadhan Jadhav And Ors.

...Applicants

IN THE MATTER BETWEEN

United India Insurance Co. Ltd., Mumbai
V/s.

...Appellant

Sonali Samadhan Jadhav And Ors.

...Respondents

Mr. Amol A. Gatne, for the Appellant.

Mr. Pratik Sabrad, for the Respondent Nos.1 to 4 in FA/786/2024 and Applicants in IA/1282/2025.

Mr. Himanshu Pujari i/by Mr. M. N. Sandhyanshiv, for the Respondent No.5.

CORAM : SHYAM C. CHANDAK, J.

DATED : 02nd MAY, 2025

P.C. :-

. Heard.

2) Present Application filed by the Original Claimants seeking withdrawal 70% of the total compensation amount.

3) Mr. Gatne, learned Advocate for the Appellant opposed the Application on the ground that, as alleged, the tractor and connected trailer both were involved in the accident. But the tractor was not insured at the time of accident and the insurance policy of the tractor commenced only after the accident date. The Tribunal also accepted the said fact. Mr. Gatne

submits that the Tribunal held that the accident occurred only due to negligent driving of the tractor not trailer. However, Mr. Gatne conceded that the trailer was duly and validly insured at the time of accident.

4) Be that as it may, the tractor and the trailer both were connected at the time of accident.

5) In view thereof and considering that Applicant Nos.2 and 3 are minor, the Applicant Nos.1 and 4 are permitted to withdraw 30% of their share in the compensation amount alongwith proportionate interest subject to furnishing usual undertaking that in case the Appellant succeeds in this Appeal, the Applicant Nos.1 and 4 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 is disposed of, accordingly.

(SHYAM C. CHANDAK, J.)