

ANANT
KRISHNA
NAIK

Digitally
signed by
ANANT
KRISHNA
NAIK
Date:
2025.07.08
12:50:23
+0530

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

**INTERIM APPLICATION NO. 7083 OF 2025
IN
FIRST APPEAL NO.1063 OF 2025**

Champa Omprakash Sharma & Ors.	...Applicants
IN THE MATTER BETWEEN	
The New India Assurance Co. Ltd.	...Appellant
Versus	
Champa Omprakash Sharma & Ors.	...Respondents

Ms Nidhi Shah i/b. Mr. Jitendra Gor for the Applicants
Mr. Himanshu Takke i/b. Mr. Milind V. More for the Insurance Company

CORAM : M. M. SATHAYE, J.

DATED : 7th JULY, 2025

P.C.:

1. The appeal has been admitted today by a separate order.
2. This is an Application by the Respondent/Claimants for withdrawal of the amount deposited by the Appellant/Insurance Company. No reply is filed opposing the Interim Application.
3. It is a death claim and the claimants are widow and children of the deceased. It is contended that due to sudden deprivation of income, the claimants - family of the deceased, are in need of financial support. That substantial amounts are already spent on the hospitalization. It is claimed that the Applicants are required to take financial help from the friends and family.

4. Learned Counsel for the Respondent-Insurance Company contends that in a belated claim, interest is granted from the date of accident till the realization and claim of delay is seriously contested. He submits that when claim itself is filed after 8 years, financial difficulty can not be believed.
5. Considering the nature of claim and that claimants are widow in her fifties and sons of growing age of early twenties, Interim Application is partly allowed.
6. For the time being, the Applicants are permitted to withdraw only the principal amount of Rs.5,98,680/- from the amount deposited in the office of the concerned Commissioner in connection with this claim. Rest of the amount will be re-invested in a nationalised bank, initially for a period of 1 year and thereafter as per prevailing practice.
7. It is clarified that the amount will be permitted to be withdrawn subject to an undertaking that the Claimants will bring back the money alongwith interest, as may be directed by the Court at the time of hearing of appeal and the withdrawal will be subject to final outcome of the First Appeal.
8. The Interim Application is disposed of in above terms.
9. All concerned to act on duly authenticated or digitally signed copy of this order.

(M. M. SATHAYE, J.)