

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

**INTERIM APPLICATION NO.9354 OF 2025
(for withdrawal of amount)
IN
FIRST APPEAL (ST) NO.32012 OF 2024**

Bhupal Devappa Chougule & Anr. .. Applicants/
Org. Opponents Nos.4 & 5

Versus

M/s. The Oriental Insurance Company
Limited & Ors. .. Respondents

In the matter between:-

M/s. The Oriental Insurance Company .. Appellant/
Org. Opponent No.2

Versus

Puja Satish Chougule & Ors. .. Respondents

**WITH
INTERIM APPLICATION NO.9355 OF 2025
(for withdrawal of amount)
IN
FIRST APPEAL (ST) NO.32012 OF 2024**

Puja Satish Chougule & Ors. .. Applicants

In the matter between:-

The Oriental Insurance Company Limited .. Appellant

Versus

Puja Satish Chougule & Ors. .. Respondents

Mr.Akshay Kulkarni, Advocate for the Applicant in
IA/9354/2025.

Mr.Jayant Bardeskar, Advocate for the Applicant in
IA/9355/2025.

Mr.Devendranath Joshi, Advocate for Respondent/Org.
Appellant.

**CORAM : B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**
DATE : JULY 11, 2025

P. C.

1. Interim Application No.9354 of 2025 is filed by the Applicants who are the Mother and Father of the deceased. they were Original Opponent Nos.4 and 5 before the Motor Accident Claims Tribunal in M.A.C.P.No.63 of 2018.

2. Interim Application No.9355 of 2025 is filed by the Applicants (the wife and two children of the deceased), and who were the Original Applicants in M.A.C.P.No.63 of 2018.

3. Both these Interim Applications have been filed to permit the Applicants to withdraw the amount deposited by the Appellant-Insurance Company in this Court.

4. Pursuant to order dated 8th January 2025, the Appellant-Insurance Company has deposited in this Court a sum of Rs.1,70,45,748/- and the execution of the Impugned Award of the MACT has been stayed.

5. Initially, in an application [M.A.C.P. No. 63 of 2018] filed by the wife and the 2 children of the deceased, the MACT passed an order directing the Insurance Company, apart from others, to jointly and severally pay a sum of Rs.1,19,84,372/- (including no fault liability) as compensation along with interest @6% per annum from the date of the Claim Petition till the realization of the amount. The order further directed that certain amounts would be paid to the wife and the children of the deceased and certain amounts would be deposited in fixed deposits in the name of the children. Certain amounts were also to be paid to Opponent Nos.4 and 5 (the mother and father of the deceased). Some other amounts were also directed to be invested in the name of the wife of the deceased for a period of 6 years, after which she was entitled to withdraw the said amount from the Bank. The periodical interest was allowed to be received by her from the aforesaid amount.

6. Both the aforesaid withdrawal applications were vehemently opposed by the learned advocate appearing on behalf of the Insurance Company.

7. After hearing the parties we are of the opinion that interest of justice would be served if 50% of the amount, as ordered by the Tribunal, together with interest @6% per annum from the date of the Claim Petition till the date of deposit made in this Court, is allowed to be withdrawn by the respective Applicants.

8. We accordingly pass the following order:-

- (a) The Applicants in Interim Application No.9354 of 2025 (Father and Mother of the deceased) are permitted to withdraw a total sum of Rs.15,00,000/- together with interest from the date of the Claim Petition (i.e. 24th January 2018) till the date of deposit (i.e. 17th February 2025).
- (b) Similarly, the Applicants in Interim Application No.9355 of 2025 (the wife and 2 children of the deceased) are permitted to withdraw a total sum of Rs.45,00,000/- together with interest @6% per annum from the date of the Claim Petition (i.e. 24th January 2018) till the date of deposit (i.e. 17th February 2025).

- (c) These amounts shall be permitted to be withdrawn only on by the Applicants giving an undertaking to this Court that in the event the above First Appeal succeeds, they shall bring back the aforesaid amount, or any part thereof, as this Court may direct, together with such rate of interest as this Court may decide at the final hearing of the Appeal.
- (e) It is needless to clarify that the balance amount shall continue to remain in this Court and shall be invested in any nationalized bank and will abide by the final outcome of the Appeal.

9. Both the above Interim Applications are disposed of in the aforesaid terms. However, there shall be no order as to costs.

10. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]