

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10464 OF 2025

IN

FIRST APPEAL NO. 1555 OF 2025

Umesh Bhikanrao Bhosale

..... Applicant

IN THE MATTER BETWEEN

**General Manager,
The New India Insu. Co. Ltd.**

..... Appellant

VERSUS

Umesh Bhikanrao Bhosale & Ors.

..... Respondents

Mr. P. K. Bohade for the Applicant.

Mr. D. S. Joshi for the Respondent No.2.

CORAM : RAJESH S. PATIL, J.

DATE : 4 SEPTEMBER , 2025

P.C. :-

- 1) This Interim Application is filed by the original claimant seeking withdrawal of the amount deposited by the Appellant – Insurance Company before the MACT, Nashik.
- 2) Appellant - Insurance Company has not filed reply opposing this Application.

3) The Applicant submits that due to the unfortunate accident, they have suffered financially and mentally. The Applicants submitted that they have no sufficient source of income, therefore, the present Application has been filed.

4) I have heard Counsel for both the sides and also I have gone through the contents of the Interim Application. According to me, in the interest of justice, it would be appropriate if the Applicant are permitted to withdraw 20% of the decretal amount deposited by the Insurance Company as per the ratio mentioned in the impugned judgment and award dated 30 May, 2024.

5) The Registry should verify and see to it that the amount is directly transferred in the sole account of the claimant.

6) The 20% of the decretal amount awarded to the Applicant is allowed to be withdrawn, upon furnishing an undertaking before the MACT to the effect that if he fails in this First Appeal, he will return the amount with interest, at such rate as may be directed by this Court at the time of disposal of the First Appeal.

7) Balance amount shall be invested in the fixed deposit of a nationalized bank initially, for a period of one year and thereafter for

like period depending the pendency of this Court.

8) All the parties to act on an authenticated copy of this order. Issuance of certified copy of the order is expedited.

9) The interim application is accordingly **disposed of**.

[RAJESH S. PATIL, J.]