

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.11583 OF 2025
[FOR WITHDRAWAL OF AMOUNT]

IN

FIRST APPEAL NO.1886 OF 2025

Vasant Gopala Bhalerao and Anr.

...Applicants

In the matter between:-

United India Insurance Co. Ltd.

Through its Regional Manager

...Appellant

V/s.

Vasant Gopala Bhalerao and Ors.

...Respondents

Mr.Sanjay Prabhakar Shinde:-	Advocate for Applicants.
Mr.Amol Gatne:-	Advocate for Appellant.

CORAM : S. M. MODAK, J.

DATE : 30th SEPTEMBER 2025

P. C. :-

1. It is true that yesterday I have heard both the learned Advocates.

It is also true that yesterday learned Advocate for the Claimants has tendered four page copy of the Insurance Policy. Even learned

Advocate for the Claimants relied upon the observations in case of

Bhagyalakshmi and Others V/s. United Insurance Company Limited¹.

2. This Application is for withdrawal of the money on behalf of the

Claimants. Mr.Gatne, learned Advocate for the Insurance Company is

1 (2009) 7 SCC 148

having strong objection for withdrawal on two grounds. First is nature of policy and the issue is “whether a passenger in a car is included in third party policy.” According to him, the issue is pending before the Hon’ble Supreme Court for decision by a Larger Bench. The law on this aspect is very clear. Even if the issue is pending before a Larger Bench, still Court cannot lay off his hands but is required to decide the issue on the basis of observations.

3. Today I am inclined to adjourn further hearing of Interim Application because Mr.Gatne has produced a policy which consists of pages more than the copy produced on behalf of the Claimants. So it needs to be clarified about which is the exact policy. In view of that, **let the Record and Proceeding be called.**

4. It is true that hearing of the Interim Application cannot be kept pending till the Record and Proceeding is received. So in the meantime, let the Appellant to apply for certified copy of the Insurance Policy and produce it in the Court. **If such Application is made before the Tribunal, the Tribunal to issue the certified copy at the earliest.**

5. Stand over to **8th October 2025.** To be listed under the caption for **“Directions”.**

[S. M. MODAK, J.]