IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 12438 of 2025
(for withdrawal)
in
FIRST APPEAL(ST) NO. 18767 OF 2025

Ismail Abdul Rauf Siddiqui and anr.	... Applicants/ Original Claimants
In the matter of	
Reliance General Insurance Co. Ltd.	… Appellant
Versus	
Ismail Abdul Rauf Siddiqui And Ors.	... Respondents

Ms. Namrata Gawde i/b. Ms. Varsha Chavan, Advocate for the Applicants/Original Claimants.
Ms. Kalpana Trivedi, Advocate for the Appellant/Insurer.

CORAM : R. M. JOSHI, J.
DATED : 20th NOVEMBER, 2025.

P.C. :

1. This application is for withdrawal of the amount deposited by the appellant/insurer in this Court.

2. Learned counsel for the applicants/original claimants submits that though the appellant/insurer has raised defense of fake policy, the same has not been proved before the Tribunal. By drawing attention of the Court to the observation made by the Tribunal, it is submitted that the witness examined by the insurer was not able to even state about the procedure for issuance of the policy much less any evidence in the form of

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premium register etc. was placed on record. It is her submission that since the claimant is third party, there would be no reason to deny 100% withdrawal of the amount .

3. Learned counsel for the appellant/insurer vehemently opposed the application on the ground that since it is the case of fake policy, it would not be appropriate to permit the applicant to withdraw any amount.

4. The applicants/original claimants are third party. In so far as the defense of fake policy is concerned, prima facie, this Court finds substance in the contention of learned counsel for the applicants/original claimants that the Tribunal has rightly disbelieved the testimony of the witness of the insurer. In such circumstances, there should not be any impediment in allowing the applicants to withdraw the entire amount of compensation . Hence, the following order:

O R D E R

1. The applicant is allowed to withdraw 50% compensation amount along with accrued interest thereon on furnishing usual undertaking and remaining 50% amount on furnishing one solvent surety in the like amount.

The application stands allowed in above terms and is disposed of.

(R. M. JOSHI, J.)