



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CIVIL APPLICATION NO. 5783 OF 2025
IN FA/444/2025

MANGALA NARESH MAHAJAN AND ORS

VERSUS

THE BRANCH MANAGER CHOLA MANDALAM GENERAL INSURANCE LTD
AND ANR

...

Mr. Shailesh S. Chapalgaonkar, Advocate for Applicants

Mr. S. S. Rathi, Advocate for Respondent No.1.

CORAM : SANJAY A. DESHMUKH, J.

DATED : 22nd APRIL, 2026

P. C. :-

1. This application is filed for withdrawal of the amount of compensation deposited in this Court as per impugned judgment and award.

2. Perused the application and heard learned advocates for both sides. Learned Advocate for respondent No.1 opposed the application and submitted that there is fundamental breach of the policy on the part of the claimant, by which the Insurance Company is not liable to pay compensation. On perusal of the impugned judgment and award, in which the informant has stated that they paid some amount, it indicates that the offending vehicle was sold but all these aspects can be examined finally at the time of deciding the appeal. However, at this stage, the applicant cannot be deprived of their right to

withdraw the amount of compensation to the extent of 50%.

3. Application, therefore, deserves to be allowed. The applicants are permitted to withdraw 50% amount with accrued interest thereon, on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.

(SANJAY A. DESHMUKH, J.)

ssp