IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3334 OF 2018
IN
FIRST APPEAL (ST) NO. 10268 OF 2018

UDAY SHIVAJI JAGTAP
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Date: 2026.10.19 11:57:28 +0530

Cholamandalam M.s. General Insurance Co. Ltd. … Appellant

Vs.

Mr. Narsingh @ Narsinh Ramchandra Pawar … Respondent

WITH
INTERIM APPLICATION NO. 971 OF 2026
IN
FIRST APPEAL (ST) NO. 10268 OF 2018

Narsingh @ Narsinh Ramchandra Pawar & Ors. … Applicants

Vs.

Cholamandalam M.s. General Insurance Co. Ltd. … Respondent

WITH
CIVIL APPLICATION NO. 3335 OF 2018
IN
FIRST APPEAL (ST) NO. 10268 OF 2018

Cholamandalam M.s. General Insurance Co. Ltd. … Appellant

Vs.

Mr. Narsingh @ Narsinh Ramchandra Pawar … Respondent

.....

Mr. Santosh D. Bhosale a/w Amol S. Deshinge for the Applicant.
Mr. Ashitosh S. Jambilkar a/w P. D. Alawekar for the original appellant – Insurance company.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 16th OCTOBER, 2026.

P. C. :

I.A. NO. 971 OF 2026

. The applicants seek withdrawal of amount of Rs. 42,11,778/- deposited by the respondent – Insurance company.

2. For the reasons stated in the application the withdrawal is solicited. It is contended that the deceased was the bread earner and no amount has been disbursed to the claimant so far.

3. The application is contested by the respondents. It is contended that Insurance company has every hope of success in the appeal. There is no foundation for awarding the exorbitant compensation. The quantum is arbitrary and unreasonable.

4. The applicants are dependent upon the deceased. There is no dispute about the death and the insurance coverage of the offending vehicle. The dispute pertains to the quantum mainly. Interest of the respondent – Insurance company can be safeguarded by reserving 30% of the amount. The necessity expressed by the applicant cannot be discarded.

5. The application is allowed partly permitting the applicant to receive 70% of the amount with interest by furnishing undertaking to the satisfaction of the jurisdictional Tribunal.

6. The balance amount shall be invested in the Nationalised bank.

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7. The applicant seeks to condone the delay of 1 year and 10 days in preferring the appeal.

8. The respondent has no serious objection for condoning the delay.

9. No *mala fides* can be inferred on the part of the applicant in preferring the appeal belatedly.

10. For the reasons stated in the application, the delay stand condoned.

11. The application is disposed of.

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12. Heard.

13. Admit.

14. Mr. Bhosale, waives service for the respondents.

15. Call for record and proceedings.

16. Print is dispensed with.

17. Parties shall be at liberty to file paper book, private paper book or compilation of documents.

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18. As the amount is deposited by the Insurance company, ad-interim relief granted earlier shall stand confirmed.

19. The application is disposed of.

(SHAILESH P. BRAHME, J.)