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

INTERIM APPLICATION NO. 1575 OF 2026
IN
FIRST APPEAL NO. 109 OF 2026

Manisha Mahesh Pawar And Ors. ...Applicants

IN THE MATTER BETWEEN

Cholamandalam MS General Insurance Co. Ltd. ...Appellant
Versus
Manisha Mahesh Pawar & Ors. ...Respondents

WITH
INTERIM APPLICATION (ST) NO.9410 OF 2026
IN
FIRST APPEAL NO. 109 OF 2026

Bhagwan Ranganath Pawar ...Applicant

IN THE MATTER BETWEEN

Cholamandalam MS General Insurance Co. Ltd. ...Appellant
Versus
Manisha Mahesh Pawar & Ors. ...Respondents

WITH
INTERIM APPLICATION NO. 697 OF 2026
IN
FIRST APPEAL NO. 109 OF 2026

Cholamandalam MS General Insurance Co. Ltd. Thr.
Its Authorized Representative ...Applicant
Versus
Manisha Mahesh Pawar And Ors. ...Respondents

WITH
CROSS OBJECTION STAMP (STAMP) NO. 8074 OF 2026

IN
FIRST APPEAL NO. 109 OF 2026

Cholamandalam MS General Insurance Co. Ltd.
Thr. Its Authorized Representative ...Petitioner
Versus
Manisha Mahesh Pawar And Ors. ...Respondents

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Adv. Santosh D. Bhosale a/w Adv. Amol S. Deshinge, Advocate for the Applicants in IA/1575/2026 and for Respondent Nos.1 to 3 in First Appeal.
Adv. Abhay A. Jadhavar a/w Adv. Rutik Kashid, for Applicant in IAst/9410/2026 and for Respondent No.5 in First Appeal.
Adv. P. D. Alawekar a/w Adv. A. S. Jambilkar, Advocate for the Respondent – Cholamandalam Insurance Company in IA/1575/2026.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 9th OCTOBER, 2026.

P.C. :

INTERIM APPLICATION NO. 1575 OF 2026
IN
FIRST APPEAL NO. 109 OF 2026
WITH
INTERIM APPLICATION (ST) NO.9410 OF 2026
IN
FIRST APPEAL NO. 109 OF 2026

The Interim Application (st) No.9410 of 2026 is not on Board. Taken on Board.

2. Heard.

3. The applicants are seeking withdrawal of the amount of Rs.86,37,334/-. The respondent–Insurance Company has deposited

Rs.86,37,334/- pursuant to the order passed by this Court. This Court had directed the Insurance Company to deposit 50% of the amount as a condition precedent for granting stay. The claimants are the dependents of the deceased, and they have filed separate applications for withdrawal of the amount.

4. The widow and the children of the deceased are staying separately from the father of the deceased. The widow has the liability of herself and her children, on the one hand, whereas, on the other hand, the father of the deceased is a single person. They are claiming disbursement for the reasons assigned in their separate applications. It is contended that the income of the deceased was well-founded and, accordingly, just compensation has been awarded by the Court. The Insurance Company has deposited a very inadequate amount, and, therefore, the applicants are praying for the entire amount deposited in the Court.

5. The learned counsel appearing for the Insurance Company would submit that, this Court while granting stay directed the Insurance Company to deposit Rs.62,00,000/- of the amount. Considering the findings recorded by the Tribunal, it is submitted that the quantum is totally disproportionate and arbitrary. No evidence is placed on record to show that there was income of Rs.5,00,000/- per annum. It is contended that its a false accident and even the income tax returns are

concocted.

6. I have considered the rival submissions of the parties. I have gone through the impugned judgment and Award passed by the Tribunal. The factum of death and the dependency of both the applicants are not disputed. This Court permitted the Insurance Company to deposit only Rs.62,00,000/- and, accordingly, with interest amount of Rs.86,37,334/, is deposited. *Prima facie*, the quantum arrived at by Tribunal is vulnerable. The income of the deceased has not been proved specifically. It would be inappropriate at this stage of the proceedings to arrive at any definite conclusion. Hence, I am not inclined to permit them to receive the entire deposited amount.

7. Considering the requirements and the sufferings of the family, it would be appropriate to release an amount of Rs. 70,00,000/- in apportionment as per the Tribunal. Hence, I pass the following order :

::ORDER::

A. The Interim applications are partly allowed.

B. The applicants are entitled to receive Rs.70,00,000/- in the proportion as stipulated by the Tribunal in the impugned Judgment and Award.

C. The balance amount shall be invested in the nationalized bank.

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8. Admit.

9. Mr. Santosh D. Bhosale, learned counsel, waives notice for respondent Nos.1 to 3 and Mr. Abhay Jadhavar, learned counsel, for respondent No.5.

10. Call for record and proceedings.

11. Print is dispensed with.

12. Parties shall be at liberty to file private paper book or compilation of relevant documents.

[SHAILESH P. BRAHME, J.]