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

29 INTERIM APPLICATION NO. 237 OF 2026
IN
FIRST APPEALST NO. 1482 OF 2026
WITH
INTERIM APPLICATION NO. 1566 OF 2026
IN
FIRST APPEALST NO. 1482 OF 2026

RELIANCE GENERAL INSURANCE CO. LTD.
VERSUS
SMITA AMIT KOTHALE AND ORS.
...
Advocate for Appellant/Insurance Company : Mr. Aditya Ghadge h/f Mr. Akshay Kulkarni
Advocate for Respondents/Claimants nos. 1 to 5 : Mr. R.S. Alange
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 07.10.2026

PER COURT :

INTERIM APPLICATION NO. 237/2026 FOR DELAY CONDONATION :

1. The applicant seeks to condone delay of 68 days.

2. It is contended that there are no *mala fides* on the part of the applicant in preferring the appeal belatedly.

3. The application is contested by the respondents/claimants.

4. There is no reason to infer any *mala fides* on the part of the applicant in preferring the appeal belatedly. For the reasons stated in the application, the delay stands condoned.

5. Interim Application is disposed of.

INTERIM APPLICATION NO. 1566/2026 FOR WITHDRAWAL OF AMOUNT :

6. Heard both sides.

7. The applicants seek to withdraw amount of Rs. 80,23,576/- deposited by the respondent-Insurance Company.

8. It is contended that in an accident bread earner lost his life and dependents are in dire need of money. It is submitted that there is cogent material placed on record and the compensation is reasonable and just.

9. The counsel for the respondent-Insurance Company would submit that the income considered by the Tribunal is vulnerable. The exorbitant amount is fixed by the Tribunal. The respondent has every hope of success in the first appeal.

10. The factum of death of Amit in the accident is undisputed. Perusal of the impugned judgment and award would show that after considering the material on record the quantum is arrived at. The grievance of the respondent-Insurance Company is mainly pertains to the income. It is unreasonable to withhold the amount of compensation in its entirety.

11. The applicants have not been disbursed any amount after the impugned judgment. The need expressed by them cannot be discarded. Ends of justice would be met in permitting them to receive 60% of the deposited amount of compensation with accrued interest.

12. Interim Application is partly allowed, permitting the applicants to receive 60% of the amount deposited with accrued interest on furnishing undertaking to the satisfaction of the Presiding Officer of the jurisdictional Tribunal. The Balance amount shall be invested in any nationalized bank.

FIRST APPEAL :

13. **Admit**.

14. Learned counsel Mr. R. S. Alange waives service for the respondents/claimant nos.1 to 5.

15. Call for record and proceedings.

16. Print is dispensed with.

18. Parties shall be at liberty to tender on record private paper book or compilation of documents.

(SHAILESH P. BRAHME, J.)

mkd/-