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

INTERIM APPLICATION NO. 1702 OF 2026
IN
FIRST APPEAL (STAMP) NO. 6911 OF 2026

UDAY SHIVAJI JAGTAP
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Date: 2026.10.26 14:37:40 +0530

Swapnali Vitthal More And Ors. … Applicants

Vs.

Shriram General Insurance Co. Ltd. And Anr. … Respondents

WITH
INTERIM APPLICATION NO. 1342 OF 2026
IN
FIRST APPEAL (STAMP) NO. 6911 OF 2026

Shriram General Insurance Co. Ltd. … Applicant

Vs.

Swapnali Vitthal More And Ors. … Respondents

WITH
INTERIM APPLICATION NO. 1343 OF 2026
IN
FIRST APPEAL (STAMP) NO. 6911 OF 2026

Shriram General Insurance Co. Ltd. … Applicant

Vs.

Swapnali Vitthal More And Ors. … Respondents

.....

Mr. Avesh Ghadge a/w Aditya Ghadge for the Applicants

Mr. Sachin Phatak (through VC) a/w Sayali Shelake for the Appellant – Insurance company.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 23rd OCTOBER, 2026.

P. C. :

I.A. NO. 1702 of 2026

. Heard both sides.

**2.** The applicants seek to withdraw amount of Rs.21,72,583/- deposited by the respondent – Insurance company.

**3.** It is brought to my notice by the learned counsel for the applicants that the deceased was 44 years old and was self-employed. The tribunal has taken into account all aspects of the matter and awarded just and reasonable compensation. Applicant Nos. 2 and 3 are minor and they need amount for further education. It is submitted that in view of Section 81(5), the ex-post facto renewal of the permit would not absolve the Insurance company from the liability.

**4.** Learned counsel for the respondent - Insurance company would submit that it is a case of breach of terms. The evidence has been adduced by the Insurance company. It has every hope of success in the appeal. If the substantive amount is disbursed, it would be difficult to recover the same. The renewal of permit is after though and after the period of expiry.

**5.** The bread earner of the family of the applicant has lost life in accident. No amount so far is disbursed to the applicants. The need

pressed into service in the application can not be discarded. The renewal of the permit and purport of Section 81(5) of the Motor Vehicle Act are the contentious issues which can be dealt with at the time of hearing. Ends of justice would be met by permitting the applicants to receive 60% of the amount with accrued interest.

**6.** The application is allowed partly permitting the applicants to receive 60% amount with accrued interest on furnishing undertaking to the satisfaction of the jurisdictional Tribunal. The balance amount shall be invested in a Nationalized bank.

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**7.** By this application, the applicant seeks to condone the delay of 69 days in filing the Appeal.

**8.** For the reasons stated in the application, the delay stands condoned.

**9.** Interim Application is disposed of.

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**10.** Admit.

**11.** Learned counsel Mr. Ghadge waives notice for respondents.

**12.** Call for record and proceedings.

**13.** Print is dispensed with.

**14.** Parties shall be at liberty to file compilation of documents or private paper book.

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**15.** As the amount is deposited pursuant to the order passed of this Court, *ad-interim* relief granted by this Court stand confirmed.

**16.** The applications stand disposed of.

(SHAILESH P. BRAHME, J. )