IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1774 OF 2026
IN
FIRST APPEAL (ST) NO. 36976 OF 2024

Sanjay Shamrao Sakunde And Anr. ...Applicants
Versus
The United Indian Insurance Co. Ltd. Satara ...Respondent

WITH
INTERIM APPLICATION NO. 492 OF 2025
IN
FIRST APPEAL (ST) NO. 36976 OF 2024

The United Indian Insurance Co. Ltd. Satara ...Applicant
Versus
Sanjay Shamrao Sakunde And Anr. ...Respondents

WITH
INTERIM APPLICATION NO. 495 OF 2025
IN
FIRST APPEAL (ST) NO. 36976 OF 2024

United Insurance Company Ltd. ...Applicant
Versus
Sanjay Shamrao Sakunde And Anr. ...Respondents

.....

Adv. Avesh Ghadge a/w Adv. Aditya Ghadge, for Applicant/Claimants.
Adv. Priyesha Patel i/b Adv. Nitesh Bhutekar (through V.C.), for Appellant/Insurance Company.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 4th NOVEMBER, 2026.

P.C. :

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Heard.

2. By this application, the applicants seek to withdraw amount of Rs. 14,61,802/- deposited by the respondent - Insurance Company.

3. Applicant is the father of the deceased who was 18 years old at the time of the accident. It is submitted that the deceased was an earning member albeit he was a student. It is further submitted that there is a need for the money.

4. The submissions are repelled by counsel for the respondent. The claim is barred by non-joinder of necessary parties. Deceased himself was negligent. He was not wearing a helmet.

5. I have gone through the judgment. The contentious issues can be dealt with at the time of hearing of the appeal. The ends of justice would be met in permitting the applicants to receive 70% of the amount deposited with accrued interest. Hence, I pass the following order :

::ORDER::

A) The interim application is allowed partly, permitting the applicants to receive 70% of the amount deposited with accrued interest

on furnishing an undertaking to the satisfaction of the jurisdictional Tribunal.

B) The balance amount shall be invested in a nationalized bank.

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6. By this application, the applicant seeks to condone delay of 1 year and 210 days in preferring the first appeal belatedly.

7. For the reasons stated in the application, delay is apt to be condoned. Application is not seriously disputed by the respondent.

8. I find no tangible reason to infer any *mala fides* on the part of the applicant to prefer appeal belatedly. The applicant has deposited the compensation with accrued interest. The application is allowed and delay stands condoned. The interim application is disposed of accordingly.

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9. As the entire amount under the Award is deposited pursuant to the order passed by this Court, the ad-interim relief granted earlier shall stand confirmed. The interim application is disposed of accordingly.

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10. Admit.

11. Mr. Avesh Ghadge waives notice for respondents.

12. Call for record and proceedings.

13. Print is dispensed with.

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

[SHAILESH P. BRAHME, J.]