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

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15679 OF 2024
IN
FIRST APPEAL (ST) NO. 18481 OF 2023

Geeta Sanjay Chavan And Anr. ...Applicants
Versus
IFFCO - TOKIO General Insurance Company Ltd., Kolhapur And Ors. ...Respondents

INTERIM APPLICATION NO. 16259 OF 2023
IN
FIRST APPEAL (ST) NO. 18481 OF 2023

IFFCO - TOKIO General Insurance Company Ltd., Kolhapur ...Applicant
Versus
Geeta Sanjay Chavan And Ors ...Respondents

INTERIM APPLICATION NO. 16260 OF 2023
IN
FIRST APPEAL (ST) NO. 18481 OF 2023

IFFCO - TOKIO General Insurance Company Ltd., Kolhapur ...Applicant
Versus
Geeta Sanjay Chavan And Ors ...Respondents

.....

Adv. Aditya Ghadge h/f Adv. Akshay Kulkarni, for Applicants/Claimants.
Adv. Ashitosh S. Jambilkar i/b Adv. P. D. Alawekar, for Respondent No.1.
Adv. S. G. Thorat, for Respondent Nos.3 and 4.

.....

CORAM : SHAILESH P. BRAHME, J.

DATE : 4th NOVEMBER, 2026.

P.C. :

INTERIM APPLICATION NO. 15679 OF 2024
IN
FIRST APPEAL (ST) NO. 18481 OF 2023

Heard.

2. By this application, the applicants seek to withdraw the amount of Rs. 26,76,576/- deposited by respondent - Insurance Company.

3. The applicants are the claimants who were dependent upon the deceased. They have adduced adequate evidence to claim the compensation. The quantum is reasonable and just. No amount has been disbursed to them. Hence they are praying for withdrawal of amount.

4. Learned counsel for the Insurance Company repels the submissions. It is submitted that no liability is extendable to the respondent. Other vehicles are also involved. If the amount is disbursed, it is difficult to recover the amount.

5. I have considered rival submissions of the parties. It is not possible to record any finding regarding negligence of the parties. The earning member of the family has lost his life. The requirement of the family cannot be discarded. Simultaneously, it would be inappropriate to permit them to receive the entire amount.

::ORDER::

A) The Interim Application is partly allowed, permitting the applicants to receive 60% 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.

INTERIM APPLICATION NO. 16259 OF 2023
IN
FIRST APPEAL (ST) NO. 18481 OF 2023

6. Not on Board. Taken on Board.

7. By this application, the applicant seeks to condone the delay of 46 days in preferring the first appeal belatedly.

8. For the reasons stated in the application, it is desirable to condone the delay caused in preferring the appeal belatedly. No *mala fides* can be inferred on the part of the applicant for preferring the appeal belatedly. The application is allowed and delay stands condoned. The application is disposed of accordingly.

INTERIM APPLICATION NO. 16260 OF 2023
IN
FIRST APPEAL (ST) NO. 18481 OF 2023

9. Not on Board. Taken on Board.

10. As the entire amount under the Award is deposited pursuant to the order dated 12.10.2023 passed by this Court, the ad-interim relief granted earlier stands confirmed. The interim application is disposed of accordingly.

FIRST APPEAL (ST) NO. 18481 OF 2023

11. Admit.

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.]