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

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1635 OF 2026
IN
FIRST APPEAL (ST) NO. 31998 OF 2025

Shashikala Maruti Sampgave And Ors. ...Applicants
Versus
National Insurance Co. Ltd. Thr. Its Manager And Anr. ...Respondents

WITH
INTERIM APPLICATION NO. 527 OF 2026
IN
FIRST APPEAL (ST) NO. 31998 OF 2025

National Insurance Co. Ltd. Thr. Its
Manager Vaijinath M Mohite ...Applicant
Versus
Shashikala Maruti Sampgave And Ors. ...Respondents

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Adv. Anvil S. Kalekar, Advocate for Applicants in IA/1635/2026.
Adv. Ashirwad Kolekar i/b Adv. Prasanna Kolekar, Advocate for Respondent - Insurance Company.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 14th OCTOBER, 2026.

P.C. :

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Heard.

2. By this application, the applicants claim withdrawal of amount of Rs. 1,36,19,251/- deposited by the respondent - Insurance company. It is stated that applicants are the dependents and they are in dire need of the amount for the reasons stated in the application. Hence, it is prayed that the application be allowed.

3. The counsel for the Insurance company opposes the application. It is submitted that deceased himself was guilty and negligent in driving the vehicle. The quantum is seriously disputed. The monthly income determined by the Tribunal is vulnerable. The deceased had failed to pay the installment of the loan regularly. The income has been shown exorbitantly which is without any foundation.

4. This Court has considered rival submissions of the parties. The death of the bread-earner in the family is undisputed. Applicants are dependent upon him. Applicant No.4 is the mother of the deceased who is aged. The need expressed by them cannot be discarded. Simultaneously, the objections raised by the Insurance company are also to be kept in mind. Ends of justice would be met in permitting the claimants to receive 55% of the amount with accrued interest. Hence, I pass the following order :

::ORDER::

A] The Interim Application is partly allowed, permitting the applicants to receive 55% of the amount with accrued interest on

furnishing an undertaking to the satisfaction of the Presiding Officer of the jurisdictional Tribunal.

B] Balance amount shall be invested in nationalized bank.

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5. Pursuant to the orders passed by this Court, entire amount with accrued interest has been deposited by the Insurance company. The ad-interim relief granted earlier shall stand confirmed.

6. Accordingly, the application is disposed of.

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7. Admit.

8. Mr. Kalekar, learned counsel, waives notice for respondents.

9. Call for record and proceedings.

10. Print is dispensed with.

11. Parties are at liberty to file paper book or compilation of relevant documents.

[SHAILESH P. BRAHME, J.]